



Georgia Department of Early Care and Learning

# **Rules for Child Care Learning Centers**

**Chapter 591-1-1**

Updated January 1, 2010



## **591-1-1-.01 Title and Applicability.**

These rules shall be known as the Rules and Regulations for Child Care Learning Centers.

Authority O.C.G.A. Sec. 20-1A-1 et seq. **History.** Original Rule entitled “Title and Applicability” adopted. F. Dec. 23, 1997; eff. Mar. 1, 1998, as specified by the Agency. **Amended:** ER. 591-1-1-0.1-.01 adopted. F. Sept. 1, 2004; eff. Oct. 1, 2004, as specified by the Agency. **Amended:** Permanent Rule adopted. F. Jan. 12, 2005; eff. Feb. 1, 2005. **Repealed:** New Rule of same title adopted. F. Aug. 7, 2009; eff. Aug. 27, 2009.

## **591-1-1-.02 Definitions.**

In these rules, unless the context requires otherwise, the symbols, words and phrases set forth herein shall mean the following:

- (a) "Adult" means any competent individual eighteen (18) years of age or older.
- (b) "Chaperon" means any adult parent or other adult relative of a child enrolled in the center, who occasionally accompanies a group of children from the center on a field trip and assists the center's personnel in providing supervision of the children during the field trip. The chaperon must be under the direct supervision of center personnel at all times.
- (c) "Child care learning center" means any place operated by a person, society, agency, corporation, institution or group wherein are received for pay for group care, for fewer than 24 hours per day without transfer of legal custody, 19 or more children under 18 years of age and which is required to be licensed. Child care learning center also includes any day care center previously licensed by the Department of Human Resources and transferred pursuant to Code Section 20-1A-1 et seq.
- (d) "Child with special needs" means a child enrolled in the center who, due to a physical problem, mental health disorder, mental retardation or developmental disability, which is either permanent or temporary, requires some adaptation of the center's standard program of care or activities to accommodate the child's special needs. The special adaptations that the center agrees to provide must be in writing and the result of a mutual agreement between the center and the parents of the child with special needs. The agreement shall be made in connection with the child's enrollment or at the time that the special need becomes apparent to the center or the parents.
- (e) "Correctable abuse, dereliction or deficiency" means any conduct of a licensee which violates any of these rules wherein the Department has determined that the rule violation is not the result of any of the following: flagrant and shocking intentional misconduct on the part of the licensee or their employees; a reckless and serious disregard for the physical or mental health or the safety of a child in care whether or not a child sustains a physical injury; some causal connection between the rule violated and the death or serious injury of a child in care; or a willful disregard of a particular rule where the licensee has previously been cited for noncompliance with the particular rule(s) and has failed to maintain the remedial action(s) set forth in a previous plan of correction.
- (f) "Criminal record" means conviction of a crime or arrest, charge, and sentencing for a crime that disqualifies a director or employee from working in a center pursuant to O.C.G.A. § 49-5-60 et seq.
- (g) "Department" means Bright From the Start: Georgia Department of Early Care and Learning.
- (h) "Employee" means any person, other than a director, employed by a center to perform at any of the center's facilities any duties which involve personal contact between that person and any child being cared for at the facility and also includes any

adult person who resides at the facility or who, with or without compensation, performs duties for the center which involve personal contact between that person and any child being care for by the center.

(i) "Evening care" means care provided to children at a center between the hours of 7:00 p.m. and 12:00 midnight.

(j) "Field trip" means an excursion or program activity with a specific destination away from the center. It does not include routine school or home pick-up and deliveries or transporting children to and from activities or events where the provider of the activities or the events assume responsibility for the children during the entirety of the event or activity, such as in dance classes or art lessons or regularly scheduled trips to the local public libraries.

(k) "Group" means a specific number of children assigned to specific staff throughout the day. More than one group may occupy the same physical space.

(l) "Infant" means any child who is under twelve (12) months of age or any child who is under eighteen (18) months of age and who is not yet walking.

(m) "License" means the document issued by the Department to authorize the licensee to whom it is issued to operate a center under these rules. (In lieu of a license, a commission may be issued to a local church ministry, religious nonprofit school or nonprofit religious charitable organization. The requirements to obtain a commission under these rules shall be identical to those for a license.)

(n) "Licensee" means the person, partnership, association, corporation or agency holding a license issued by the Department to operate a center at a particular location and having responsibility for the operation and maintenance of the center in accordance with these rules.

(o) "Night-time care" means care provided to children at the center between the hours of 12:00 midnight and 6:00 a.m.

(p) "Non-correctable deficiency" means an abuse, dereliction or violation of these rules which demonstrates anyone the following: flagrant and shocking intentional misconduct by the licensee or center staff where the licensee knew or should have known of the staffs likelihood to commit such acts; an intentional or reckless disregard for the physical and mental health or safety of a child in care which mayor may not result in physical injury to the child by the licensee or the center staff where the licensee knew or should have known of the staffs likelihood to disregard; or some causal connection between the intentional violation of a rule and the death or major injury of a child in care; or an intentional disregard of a particular rule(s) which relates directly to the health and safety of a child in care where the licensee has previously been cited for non-compliance with the particular rule(s) within the past twelve (12) months and has failed to sustain the remedial action(s) set forth in a previous plan of correction within that twelve-month period.

(q) "Personnel" or "Staff" means all persons including the administrator, all full or part-time employees and volunteers, who perform consistent services for the child care

learning center and have direct or indirect contact with children at the center. Personnel does not include those relatives who function as chaperons on field trips occasionally nor does it include students in training for limited periods of time provided that these chaperons and students in training work under the direct supervision of center personnel at all times.

(r) "Plan of correction" means a written plan prepared by the director submitted to and approved by the Department which states the procedure(s), method(s) and time frame that will be used by the licensee to correct the area(s) of non-compliance with these rules.

(s) "Qualified or qualifications" means that a person possesses, in addition to the other requirements set forth in these rules, certain minimum personal and health requirements necessary to administer or minimum personal and health requirements necessary to administer or be employed in a center. A person may be considered by the Department to be qualified with respect to the minimum personal and health criteria when he or she has no criminal record; is not suffering from a physical or mental condition which would interfere with the person's ability to perform adequately the job duties of providing for the care and supervision of the children enrolled in the center in accordance with these rules; has not made any material false statements relating to any licensure requirement to the Department or the licensee and has not been shown by credible evidence, e.g., a finding of fact made by a court, jury or department investigation or other reliable evidence, to have abused, neglected, or deprived a child or adult or to have subjected any person to serious injury as a result of intentional or grossly negligent misconduct.

(t) "Qualifying work experience" means verifiable experience working directly with children.

(u) "School-age children" means children who are at least five (5) years old by the first of September of the current school year and who are eligible to attend public school.

(v) "School-age center" means a child care learning center, or part thereof with separate physical facilities and a separate license, which provides day-time care exclusively to school-age children before and/or after the normal school day. Such programs may operate a full-day program solely for the school-age children enrolled in the program during the regular school year during those periods when school is not in session.

Authority O.C.G.A. Sec. 20-1A-1. **History.** Original Rule entitled "Definitions" adopted. F. Dec. 23, 1997; eff. Mar. 1, 1998, as specified by the Agency. **Amended:** ER. 591-1-1-0.1-.02 adopted. F. Sept. 1, 2004; eff. Oct. 1, 2004, as specified by the Agency. **Amended:** Permanent Rule adopted. F. Jan. 12, 2005; eff. Feb. 1, 2005.

### **591-1-1-.03 Activities.**

(1) The center shall provide a daily planned program of varied and developmentally appropriate activities that promote the social, emotional, physical, cognitive, language and literacy development of each child. Center staff shall use a variety of teaching methods to accommodate the needs of the children's different learning styles.

(2) Current lesson plans shall be kept on site and reflect appropriate instruction practices and activities to support children's development. The center shall have sufficient and varied play and learning equipment and materials to support the above program of activities in all developmental areas.

(3) Opportunities for each child to make choices in a variety of activities shall be offered. Children with special needs shall be integrated into the activities provided by the center unless contraindicated medically or by written parental agreement.

(a) Variety of Activities. Activities shall be planned for each group to allow for:

1. Indoor and outdoor play;
2. A balance of quiet and active periods;
3. A balance of supervised free choice and caregiver-directed activities;
4. Individual, small group and large group activities;
5. Large muscle activities, such as but not limited to, running, riding, climbing, balancing, jumping, throwing, or digging;
6. Small muscle activities, such as but not limited to, building with blocks or construction toys, use of puzzles, shapes, nesting or stacking toys, pegs, lacing, sorting beads, or clay;
7. Language experiences, such as but not limited to, listening, talking, rhymes, fingerplays, stories, use of film strips, recordings or flannel boards;
8. Arts and crafts, such as but not limited to, painting, coloring, cutting, or pasting;
9. Dramatic play, such as but not limited to, play in a home center, with dolls, puppets, or dress up;
10. Rhythm and music, such as but not limited to, listening, singing, dancing, or making music; and
11. Nature and science experiences, such as but not limited to, measuring, pouring activities related to the "world around us" such as nature walks, plants, leaves or weather or experiences in using the five senses through sensory play.

(b) Activities for Children Under Three. Children less than three (3) years of age shall not spend more than one-half (1/2) hour of time consecutively in confining

equipment, such as swings, highchairs, jumpseats, carriers or walkers. Such children shall be allowed time to play on the floor daily.

(c) Outdoor Activities. Outdoor activities shall be provided daily, weather permitting, in accordance with the following:

1. Centers operating five (5) hours or more per day shall provide each child who is not an infant at least one and one-half (1 1/2) hours of outdoor activity per day.

2. Infants shall spend at least one (1) hour daily out of doors.

3. Centers operating less than five (5) hours per day shall provide a brief outdoor period for the children daily.

4. A child may be excused from outdoor activities for a limited period of time if there is documentation that outdoor activity is medically contraindicated or there is an occasional written request by the parent that the child be excused from outdoor activities for a very limited amount of time because of special circumstances.

(d) Individual Attention. Personnel shall provide individual attention to each child as evidenced by:

1. Responding promptly to the child's distress signals and need for comfort.

2. Playing with and talking to the children.

3. Providing and assisting the child with personal care in a manner appropriate to the child's age level, i.e., providing the child privacy in dressing, diapering and toileting functions as the chronological age of the child dictates.

(e) Staff shall not engage in, or allow children or other adults to engage in, activities that could be detrimental to a child's health or well-being, such as but not limited to, horse play, rough play, wrestling, and picking up a child in a manner that could cause injury.

(f) Routines for Children. Personnel shall provide routines for toileting, eating, resting, napping (depending upon the age of the children), intervals between activities and doing school homework, if any. Staff shall assist and encourage each child to become independent in the development of self-help skills, such as washing hands and face, dressing, eating and toileting.

1. As they feel the need children shall be allowed to go to the toilet and get a drink of water.

2. Supervised nap or rest periods during the day shall be provided for children under five (5) years of age. Children who do not sleep during nap or rest periods shall not be required to remain lying down for more than one (1) hour.

3. Quiet activities for school-age children and other children who are not asleep shall be provided.

(g) Schedules. A daily schedule for each group shall be developed to reflect routines and activities. Schedules shall be flexible but routinely followed to provide structure. The schedule must be posted in each group's room or area and made available to parents upon request.

(h) Media Activities. The use of entertainment media, such as television, videotaped programs or movies and video or computer games shall be limited to:

1. Television programs or computer software produced for the benefit of audiences comprised of young children.

2. "G" -rated movies, i.e., movies that have been rated by the motion picture industry as suitable for a general audience which includes young children, or movies that have not been rated but which have been fully previewed by the administrator who has determined that the movies were produced for the benefit of young children and are appropriate for viewing by young children.

3. No more than two (2) hours daily per child or group.

4. Provided only at times when alternative activities are available for children who choose not to participate.

(i) Evening Activities. During evening and night-time care, activities shall be provided based on children's ages, hours of care and length of time in care. Quiet activities and experiences shall be available immediately prior to bedtime.

Authority O.C.G.A. Sec. 20-1A-1 et seq. **History.** Original Rule entitled "Activities" adopted. F. Dec. 23, 1997; eff. Mar. 1, 1998, as specified by the Agency. **Amended:** F. Aug. 25, 2008; eff. Sept. 14, 2008. **Repealed:** New Rule of same title adopted. F. Dec. 2, 2009; eff. Dec. 22, 2009.



#### **591-1-1-.04 Admission and Enrollment.**

A center shall not accept a child for enrollment or continue the child's enrollment in the center where the center staff determines that services necessary to protect the health and safety of the child while at the center cannot be provided. No child shall be admitted for care to the center without enrollment records having been completed on the child in accordance with the requirements set forth in these rules.

Authority O.C.G.A. Sec. 20-1A-1. **History.** Original Rule entitled "Admission and Enrollment" adopted. F. Dec. 23, 1997; eff. Mar. 1, 1998, as specified by the Agency.

### **591-1-1-.05 Animals.**

(1) Control of Animals. Animals shall be controlled to assure that proper sanitation of the premises is maintained and animals are not a hazard to the children, personnel or visitors at the center. No animals, such as but not limited to, pit bull dogs, ferrets, and poisonous snakes, which may have a vicious propensity, shall be permitted on the child care learning center premises at any time there are children on the premises. Horses or other farm animals shall not be quartered on any property over which center staff exercises any control that is located within five hundred (500) feet of the building in which the center is located.

(2) Confinement. All animals shall be confined in pens or covered areas except for specific teacher-directed learning experiences. Animal pens and confinement areas shall be kept clean.

(3) Vaccinations. Animals shall be properly vaccinated and documentation of the vaccinations shall be maintained at the center.

Authority O.C.G.A. Sec. 20-1A-1. **History.** Original Rule entitled "Animals" adopted. F. Dec. 23, 1997; eff. Mar. 1, 1998, as specified by the Agency. **Amended:** F. Jan. 12, 2005; eff. Feb. 1, 2005.

### **591-1-1-.06 Bathrooms.**

(1) Required Facilities. Flush toilets and lavatories (hand washing sinks) with running water shall be provided in the following minimum ratios for the use of all children:

Number of Children	Toilets and Lavatories *
1-12	<b>1</b>
13-25	2
26-50	3
51-75	4
76-100	5
101-125	6
126-150	7
151-175	8

Each additional group of twenty-five (25) children shall require one (1) additional toilet and lavatory.

\* For children being potty-trained, at least one (1) flush toilet shall be provided. If used, nursery potty chairs may not be substituted for a required flush toilet.

(2) Location of Bathrooms. Bathrooms shall be located on each floor in or adjacent to child care areas and rooms.

(3) In lieu of the requirements set forth in subparagraphs (1) and (2) above, school age child care learning centers shall provide at least one (1) toilet and (1) lavatory for each group of twenty-five (25) children on the premises.

(4) Ventilation. In centers first licensed after March I, 1991, and centers that remodel or add to existing plumbing facilities, the bathroom area shall be fully enclosed and ventilated to the outside of the building with either an open screened window or functioning exhaust fan and duct system. Centers without fully enclosed bathrooms shall ensure that there is adequate ventilation to control odors and adequate sanitation measures to prevent the spread of contagious diseases.

(5) Fixtures. When child-size fixtures are not provided, platforms or sets of steps to assist children who are unable to use the fixtures comfortably shall be available at the toilets and lavatories. Toilet facilities for four (4)-year-old pre-kindergarten age children shall be suitably screened for privacy.

(6) Supplies. Bathrooms shall be within easy reach of children and equipped with soap, toilet tissue and single-use towels or cloth towels used only once between launderings.

(7) Cleanliness. Bathrooms shall be cleaned daily with a disinfectant.

Authority O.C.G.A. Secs. 20-1A-1 et seq., 49-5-22. **History.** Original Rule entitled “Bathroom” adopted. F. Dec. 23, 1997; eff. Mar. 1, 1998, as specified by the Agency. **Amended:** F. Jan. 12, 2005; eff. Feb. 1, 2005. **Repealed:** New Rule of same title adopted. F. Dec. 2, 2009; eff. Dec. 22, 2009.

## **591-1-1-.07 Children's Health.**

(1) Exclusion of Sick Children. A child shall not be accepted nor allowed to remain at the center if the child has the equivalent of a one hundred one (101) degrees Fahrenheit or higher oral temperature and another contagious symptom, such as but not limited to, a rash, diarrhea or a sore throat. When a child shows symptoms of illness during the day, the child shall be moved to a quiet area away from other children where the child shall be supervised and provided the necessary attention until such time as the child leaves the center or is able to return to the child's group.

(2) Parental Notification. Parents must be notified of a child's illness or injury as follows:

<u>Notification</u>	<u>When</u>
Immediately notify parents and obtain specific instructions until child can be picked up or returned to group.	When professional medical attention is required, or When child experiences symptoms of moderate discomfort such as elevated temperature, vomiting or diarrhea.
Notify parents by the end of the day.	When professional medical attention is not required, or When child experiences symptoms of less than moderate discomfort, or When child experiences an adverse reaction to prescribed medication which does not constitute moderate discomfort.

(3) Communicable Diseases. The Department's current communicable disease chart of recommendations for exclusion of sick children from the center and their readmission shall be followed. Parents of all children enrolled shall be notified in writing of the occurrence of any of the illnesses on the communicable disease chart, as provided by the Department, within twenty-four (24) hours after the center becomes aware of the illness or the next working day.

(4) Medical Emergencies. A center shall have a written plan which outlines how emergency medical services will be obtained, including place(s) the child will be taken for emergency care. When a medical emergency arises involving a child, the center staff shall seek prompt emergency medical treatment and provide any certified or licensed emergency medical persons with immediate access to the child.

(5) Hazardous Items. Children shall not be permitted to wear around their necks or attach to their clothing pacifiers or other hazardous items.

Authority O.C.G.A. Sec. 20-1A-1. **History.** Original Rule entitled "Children's Health" adopted. F. Dec. 23, 1997; eff. Mar. 1, 1998, as specified by the Agency. **Amended:** F. Jan. 12, 2005; eff. Feb. 1, 2005.

### **591-1-1-.08 Children's Records.**

A center must maintain a file for each child while such child is in care at the center and for a period of one (1) year after such child is no longer in care at the child care learning center. The file shall contain the following:

(a) Identifying information about the child to include: name, date of birth, sex, address, living arrangement if not with both parents, name of school, if any, and name of guardian if applicable.

(b) Identifying information about the parents or guardian to include: names of both parents, guardian if applicable, home and work addresses, and home and work telephone numbers.

(c) Name(s) and addresses of the person(s) to whom the child may be released. Such information shall contain the authorized person's address, telephone numbers, relationship to child and to parent(s) or guardian, and other identifying information.

(d) Identifying information about the person(s) to contact in emergencies when the parent or guardian cannot be reached to include name(s) and telephone number(s).

(e) Identifying information about the child's primary source of health care to include physician's or clinic's name and telephone number.

(f) Statement regarding known allergies or other physical problems, mental health disorders, mental retardation or developmental disabilities which would limit the child's participation in the center's program and activities.

(g) Evidence of age-appropriate immunizations or a signed affidavit against such immunizations. The items shall be maintained for each child enrolled in the center on a form approved by the Department, and no child shall continue enrollment in the center for more than thirty (30) days without such evidence.

(h) Description of any special procedures to be followed in caring for the child, including any special services which the center agrees to provide to a child with special needs.

(i) Documentation of incidents requiring professional medical attention, other than simple first aid performed by center staff, to include: child's name, type of illness or injury, date of illness or injury, how injury or illness occurred, staff present, method of notifying parent or guardian and services provided to the child.

(j) Parental or guardian authorizations (see rule .23 for details).

(k) Parental or guardian acknowledgment of their responsibility for keeping center advised of any significant changes in enrollment information concerning phone numbers, work locations, emergency contact, family physicians, etc.

(l) Parental or guardian acknowledgment that when the parents, guardian, or persons authorized by the parents or guardian, pick up or drop off their child at the center, they

will not allow their child to enter or leave the center without being escorted and that the center will not permit the child to enter or exit the center without an escort.

(m) Parental or guardian acknowledgment that where the school-age child care learning center does not agree to provide routine meals and/or snacks, as appropriate, for the children, the parents or guardian agree that they shall provide the children with nutritious meals and snacks daily as appropriate.

(n) Confidentiality. Information pertaining to the children enrolled at a center is considered confidential and may not be released by center staff without first obtaining written permission signed by the parents or guardian except in the following situations. Relevant information relating to the children's family situations, medical status and behavioral characteristics on the children enrolled at the center at any time shall be shared by center staff among caregivers on the center caregiver staff, with members of the Department or with other persons authorized by these rules or the law to receive such information, or with other persons in an emergency situation involving the child.

(o) Attendance Records. A child's daily attendance records for the twelve (12) preceding months must be maintained but need not be filed in each child's record. These records shall be made available to the Department in printed or written form upon request.

(p) Arrival and Departure Records. Records of a child's daily arrival and departure for the twelve (12) preceding months shall be maintained but need not be filed in each child's record. The parent, guardian, or person(s) authorized by the parent or guardian to drop off and pick up the child will document, in written or electronic format, each time the parent, guardian or authorized person drops off and picks up the child. The center shall ensure that children are only released to authorized person(s), and center staff shall take necessary steps to determine that any such person(s) presenting to pick up a child in care is authorized by the parent(s) or guardian of the child and that person matches the identifying information provided by the parent or guardian.

1. The documentation shall include at least the following information: the date, the child's name, the arrival and departure times, and the signature or initials of the parent, guardian or authorized person at the time of arrival and departure.

2. These records shall be made available to the Department in printed or written form upon request.

Authority O.C.G.A. Sec. 20-1A-1 et seq. **History.** Original Rule entitled "Children Records" adopted. F. Dec. 23, 1997; eff. Mar. 1, 1998, as specified by the Agency. **Amended:** F. Jan. 12, 2005; eff. Feb. 1, 2005. **Repealed:** New Rule of same title adopted. F. Dec. 2, 2009; eff. Dec. 22, 2009.



### **591-1-1-.09 Criminal Records Check.**

The director and employees of a center must submit to criminal records checks in connection with any application for a license and before a person may become a director or an employee in a center. No person having an unsatisfactory criminal records check determination may be a director or employee of a center.

Authority O.C.G.A. Sec. 20-1A-1. **History.** Original Rule entitled "Criminal Records Check" adopted. F. Dec. 23, 1997; eff. Mar. 1, 1998, as specified by the Agency.

## **591-1-1-.10 Diapering Areas and Practices.**

(1) Ventilation. For centers first licensed after March 1, 1991, and for centers that are renovated after March 1, 1991, the diapering areas shall be ventilated by functioning exhaust fans and a duct system or by the required operable windows.

(2) Lavatory. In centers first licensed after March 1, 1991, and centers that renovate existing plumbing facilities, a hand washing lavatory with running heated water shall be located adjacent to the diapering area. Flush sinks shall not be used for hand washing. Cleansing procedures in other facilities shall be approved by the Department.

(3) Changing Diapers. Diapers shall be changed in the child's own crib or on a diaper changing surface that is used for no purposes other than changing clothes in each room where infants or any other children wearing diapers are served.

(a) If diapers are changed on a diaper changing surface, the surface shall be smooth, nonporous, and equipped with a guard or rails to prevent falls. Between each diaper change, the diaper change surface shall be cleaned with a disinfectant and dried with a single-use disposable towel.

(b) Infants and children shall not be left unattended while being diapered or having their clothes changed on the diaper changing surface.

(c) Any items which might harm a child must be kept out of a child's reach.

(4) Supplies. The following items shall also be provided at the diapering area: liquid soap, individually dispensed, single-use hand towels, single-use wash cloths, and covered storage container for soiled items.

(5) Hygiene. Staff shall wash their hands with liquid soap and warm running water immediately before and after each diaper change they perform. Staff with diaper changing responsibilities shall not be simultaneously assigned to kitchen food preparation duties.

(6) Location of Diapering Area. The area used for diapering shall not be used for food preparation. It must be clear of formulas, food, food utensils and food preparation items.

(7) School-age Center. Except for children with special needs who are school-age but require diapering, the above rules do not apply to school-age centers.

Authority O.C.G.A. Sec. 20-1A-1 et seq. **History.** Original Rule entitled "Diapering Areas and Practices" adopted. F. Dec. 23, 1997; eff. Mar. 1, 1998, as specified by the Agency. **Amended:** F. Jan. 12, 2005; eff. Feb. 1, 2005. **Repealed:** New Rule of same title adopted. F. Dec. 2, 2009; eff. Dec. 22, 2009.

### **591-1-1-.11 Discipline.**

(1) Disciplinary actions used to correct a child's behavior, guidance techniques and any activities in which the children participate or observe at the center shall not be detrimental to the physical or mental health of any child.

(2) Personnel shall not:

- (a) Physically or sexually abuse a child or engage or permit others to engage in sexually overt conduct in the presence of any child enrolled in the center;
- (b) Inflict corporal/physical punishment upon a child;
- (c) Shake, jerk, pinch or handle a child roughly;
- (d) Verbally abuse or humiliate a child which includes, but is not limited to, the use of threats, profanity or belittling remarks about a child or his family;
- (e) Isolate a child in a dark room, closet or unsupervised area;
- (f) Use mechanical or physical restraints or devices to discipline children;
- (g) Use medication to discipline or control children's behavior without written medical authorization issued by a licensed professional and given with the parent's written consent;
- (h) Restrict unreasonably a child from going to the bathroom;
- (i) Punish toileting accidents;
- (j) Force-feed a child or withhold feeding a child regularly scheduled meals and/or snacks;
- (k) Force or withhold naps;
- (l) Allow children to discipline or humiliate other children;
- (m) Confine a child for disciplinary purposes to a swing, highchair, infant carrier, walker or jumpseat;
- (n) Commit any criminal act, as defined under Georgia law which is set forth in O.C.G.A. Sec. 16-1-1 et seq., in the presence of any child enrolled in the center.

Authority O.C.G.A. Sec. 20-1A-1. **History.** Original Rule entitled "Discipline" adopted. F. Dec. 23, 1997; eff. Mar. 1, 1998, as specified by the Agency.

## **591-1-1-.12 Equipment and Toys.**

(1) All indoor and outdoor furniture, activity materials, and equipment shall be used:

(a) In a safe and appropriate manner by each employee and child in attendance; and

(b) In accordance with the manufacturer's instructions, recommendations, and intended use.

(2) Equipment. All equipment and furniture shall be used only by the age-appropriate group of children. Equipment and furniture shall be:

(a) Free from hazardous conditions such as, but not limited to, sharp rough edges or toxic paint;

(b) Kept clean;

(c) Placed so as to permit the children's freedom of movement and to minimize danger of accident and collision;

(d) Secured if equipment and furniture is of a weight or mass that could cause injury from tipping, falling, or being pulled or pushed over. Potentially unstable equipment and furniture that might injure a child if not secured include, but are not limited to, televisions, chests of drawers, bookcases, shelving, cabinets and fish tanks. Examples of items not required to be secured include, but are not limited to, child-sized tables and chairs, rocking chairs, and cribs.

(3) Toys. A variety of age-appropriate toys and play materials shall be available. They shall be stored on low, open shelves accessible to children in each room or assigned area. Toys that launch projectiles, such as dart guns, pop guns, slingshots, etc., shall not be allowed in the center, and balloons shall not be accessible to preschool children.

(4) Toys for Children Under Three. Toys for children under three (3) years of age shall also be age-appropriate. Those toys shall be:

(a) Non-toxic and lead-free;

(b) Too large to be swallowed by a child and not capable of causing asphyxiation or strangulation;

(c) Free of sharp pieces, edges or points of small parts which may be pried off by a child;

(d) Free of rust;

(e) Easily cleaned with a disinfectant daily.

(5) Tables. There shall be table space provided for each child who is able to sit at a table unassisted. An appropriately sized chair or bench shall be provided for each child who is not an infant and who is able to use a chair or bench.

Authority O.C.G.A. Sec. 20-1A-1 et seq. **History.** Original Rule entitled "Equipment and Toys" adopted. F. Dec. 23, 1997; eff. Mar. 1, 1998, as specified by the Agency. **Repealed:** New Rule of same title adopted. F. Dec. 2, 2009; eff. Dec. 22, 2009.

### **591-1-1-.13 Field Trips.**

- (1) Notice to Parents. A center shall notify parents in advance of a child's participation in any field trip. The notice shall include the name and address of the trip destination, the date of the trip, time of departure and estimated arrival time back at the center.
- (2) Parental Permission. A center shall obtain written permission from parents in advance of the child's participation in any field trip and such permission must be signed and dated by a parent.
- (3) Additional Supervision. Regular staff: child ratios must be maintained on a trip and an additional employee, chaperon or student in training who is at least sixteen (16) years of age shall be available to assist in the supervision of each group of twenty-five (25) children. If the field trip involves transporting children, the center must ensure it complies with the staffing requirements for transporting children.
- (4) List of Trip Participants. A list of children and adults participating in the trip shall be left at the center as well as be taken on the trip in the possession of the adult in charge of the trip.
- (5) Emergency Medical Information. Emergency medical information on each child to include allergies; special medical needs and conditions; current prescribed medications that the child is required to take on a daily basis for a chronic condition; the name and phone number of the child's doctor; the local medical facility that the center uses in the area where the center is located; and the telephone numbers where the parents can be reached shall be left at the center as well as be taken on the trip in the possession of the adult in charge of the trip.
- (6) Name Tags. Each child on a field trip shall have on their person their name, and the center's name address and telephone number.

Authority O.C.G.A. Sec. 20-1A-1. **History.** Original Rule entitled "Field Trips" adopted. F. Dec. 23, 1997; eff. Mar. 1, 1998, as specified by the Agency.

## **591-1-1-.14 First Aid and CPR.**

(1) Training. The center director must successfully complete a biennial training program in cardiopulmonary resuscitation (CPR) and a triennial training program in first aid. The first aid program must be done by certified or licensed health care professionals and must deal with the provision of emergency care to infants and children. In addition, at least fifty percent (50%) of the caregiver staff shall have completed such training. Whenever children are present, there must always be an employee on the center premises who is trained in CPR and first aid.

(2) Supplies. Each building of the center and any vehicle used by the center for transportation of children shall have a first aid kit which shall at least contain: scissors; tweezers; gauze pads; adhesive tape; thermometer; band-aids, assorted sizes; anti-bacterial ointment; insect-sting preparation; an antiseptic cleansing solution; triangular bandages; rubber gloves; protective eye wear; a protective face mask; and cold pack. The first aid kit, together with a first aid instruction manual which must be kept with the kit at all times, shall be stored so that it is not accessible to children but is easily accessible to staff.

Authority O.C.G.A. Sec. 20-1A-1. **History.** Original Rule entitled "First Aid and CPR" adopted. F. Dec. 23, 1997; eff. Mar. 1, 1998, as specified by the Agency. **Amended:** F. Aug. 25, 2008; eff. Sept. 14, 2008.

## **591-1-1-.15 Food Service and Nutrition.**

(1) Compliance with USDA Nutritional Guidelines. Meals and snacks with serving sizes dependent upon the age of the child shall meet nutritional guidelines as established by the United States Department of Agriculture Child Care Food Program. Meals and snacks shall be varied daily, and additional servings of nutritious food shall be offered to children over and above the required daily minimum, if not contraindicated by special diets.

(2) Feeding of Children. A signed written feeding plan for children less than one (1) year of age shall be obtained from parents. Instructions from the parent shall be updated regularly as new foods are added or other dietary changes are made. The feeding plan shall be posted in the child's assigned room and must include the child's feeding schedule, the amount of formula or breast milk to be given, instructions for the introduction of solid foods, the amount of food to be given and notation of any type(s) of commercially premixed formula which may not be used in an emergency because of food allergies.

(a) Center personnel shall hold and feed infants less than six (6) months of age and older children who cannot hold their own bottles or sit alone. Baby bottles shall never be propped; the infant's head shall be elevated while feeding.

(b) Honey shall not be served to children less than one (1) year of age.

(c) As soon as the feeding plan indicates that a child is ready for solid foods, the child shall be fed from individual spoons and individual containers or dishes. A child shall not be fed directly from the original baby food container if the contents are to be fed to the child at more than one (1) meal or to more than one (1) child.

(d) As soon as the child exhibits a desire to feed him/herself, the child shall be assisted and encouraged to use their fingers for self-feeding, eat with a spoon, and to drink from individual cups.

(e) The center shall encourage and support breastfeeding. Centers shall have a designated area set aside for breastfeeding mothers to breastfeed.

(3) Baby Bottles and Formula. All baby bottles shall be clearly labeled with the individual child's name. Formula or breast milk shall be supplied by the parent daily in bottles. Only the current day's formula or breast milk shall be served. Bottles shall be refrigerated at a temperature of forty (40) degrees Fahrenheit or less. If formula must be provided by the center, only commercially prepared, ready-to-feed formula shall be used. Refrigerated or frozen breast milk shall only be heated or thawed under warm running water or in a container of warm water.

(4) Feeding Chairs. A feeding chair or similar equipment designed for feeding children shall be provided for the use of each child being fed who is capable of sitting up but who is unable to sit unassisted at a table. The chair or similar equipment must be cleaned with a disinfectant. Such chair or similar equipment shall have a broad base to prevent tipping; a surface that the child cannot raise; a strap or other device which prevents the child from sliding out of the chair; and a feeding surface free of cracks.



(5) Menus. The center shall provide a menu listing all meals and snacks to be served during the current week except for school-age centers where the food may be provided by the parents by agreement between the school-age center and the parents. The menus shall be dated and posted near the front entrance of the center in a location conspicuous to parents. Substitutions shall be recorded on the posted menu. Menus shall be retained at the center for six (6) months.

(6) Meal Service.

(a) Children shall be served all meals and snacks scheduled for the period during which they are present. In those centers where the parents of children enrolled provide the meals and snacks, the center shall ensure that no child remains at the center without receiving the scheduled nutritious meals and snacks. There shall be a period of at least two (2) hours between each required meal or snack. Drinking water shall be offered at least once between meals and snacks to children less than three (3) years of age. The following meals and snacks shall be scheduled and served by the center when appropriate:

1. Breakfast or a morning snack;
2. Lunch;
3. An afternoon snack;
4. Supper if a center operates evening care;
5. An evening snack prior to bedtime if a center operates night-time care.

(b) Food and beverages shall be served in individual plates or bowls and with individual glasses or cups.

(c) Children shall be encouraged but not forced to eat.

(d) Caregivers shall not use food to punish or reward children.

(e) Children shall be given necessary assistance in feeding and encouraged to develop good nutritional habits.

(f) Hot food shall not be served at a temperature which would cause the children to burn their mouths upon consuming the food.

(g) Drinking water shall be available to all children.

(7) Restrictions. Peanuts, hot dogs, raw carrots, popcorn, fish with bones and grapes shall not be served to the children less than three (3) years of age. Children older than three (3) years of age may be served these foods provided that the foods are cut in such a way as to minimize choking. Foods and drinks with little or no nutritional value, i.e., sweets, soft drinks, etc. shall be served only on special occasions and only in addition to the required nutritious meals and snacks. Powdered nonfat dry milk shall only be used for cooking purposes.

(8) Modified Diets. When a child requires a modified diet for medical reasons, a written statement from a medical authority shall be on file. When a child requires a modified diet

for religious reasons, a written statement to that effect from the child's parents shall be on file. All caregiver personnel shall be informed of the diet restriction for the child and only food that complies with the prescribed dietary regimen but still meets the food and nutrition requirements shall be served to the child.

(9) Unconsumed Food. Any portions of food or drink which are served to children or placed on the table for service and are not consumed at that meal or snack by the children to whom the portions are served shall be thrown away. Any formula or breast milk remaining one hour from the beginning of the feeding shall be discarded or returned to parents.

(10) Catered Food. Food purchased from a caterer shall be prepared in a facility with a current food service permit and shall be maintained at a safe temperature [forty-five (45) degrees Fahrenheit or below for foods requiring refrigeration or one hundred forty (140) degrees Fahrenheit for foods which must be heated prior to serving] until served.

(11) Vending Machines. Soft drink vending machines and other food dispensers shall not be maintained on center premises for children's use. Vending machines and dispensers for staff shall be outside of the children's areas.

Authority O.C.G.A. Sec. 20-1A-1 et seq. **History.** Original Rule entitled "Food Service and Nutrition" adopted. F. Dec. 23, 1997; eff. Mar. 1, 1998, as specified by the Agency. **Repealed:** New Rule of same title adopted. F. Aug. 7, 2009; eff. Aug. 27, 2009.

## **591-1-1-.16 Governing Body and Licenses.**

Each center shall have a clearly identified governing body which shall be empowered and responsible for determining all policies and procedures and ensuring compliance with these rules and regulations. The chairperson or chief executive officer of the governing body shall complete a statement of responsibility on behalf of the governing body acknowledging the same in connection with any application for license on a form provided by the Department. If the center is individually owned, then the owner(s) will complete the statement of responsibility.

(a) Application for License. Prior to filing for licensure, an applicant shall attend an orientation of no more than 16 hours that has been approved by the Department. This orientation shall, at a minimum, provide instruction on the application process and give an overview of the Department's regulations that relate to the operation of early child care learning centers.

1. Orientation. An existing licensee applying for another child care center license is not required to attend another orientation within two years following the successful completion of a prior orientation.

2. An applicant applying for multiple child care center licenses at one time is only required to attend one orientation.

(b) Director's Training. (Effective October 1, 2005) Prior to the issuance of an initial license, the director of a center responsible for its day-to-day operations shall have completed a 40-hour director's training course that has been approved by the Department. At a minimum, the subject matter taught at a director's training course shall cover the areas of administrator competencies that serve as a framework for professional development, which include, but are not limited to, early learning standards, business management, communication, developmentally appropriate practices, professional and leadership development, and advocacy for the center, parents, children and staff.

(c) License. No person shall operate a child care learning center without a license. A separate license is required for each address or location at which a center is proposed to be operated even when all of the proposed centers are owned by the same person or entity. A separate license is also required for each center operated at a single location by the same governing body.

1. Temporary License. The Department may at its discretion issue a temporary license if the health and safety of the children to be served by the center will not be endangered. A temporary license will be valid for a specified period not to exceed one (1) year and may be issued when the child care learning center is not in full compliance with these rules but has demonstrated satisfactory evidence that it is making progress toward meeting these rules and has submitted an acceptable plan of correction.

2. Restricted License. The Department may at its discretion issue a restricted license in lieu of a temporary or regular license. The restricted license may be granted either in connection with the initial application process for a license or as a result of a subsequent determination made by the Department concerning compliance with these rules. The

restriction shall appear on the face of the license and shall restrict a center from providing care or services which are beyond the capability of the licensee to provide. The restriction may also limit the number and/or age of the children served by the center.

3. Regular License. A license will be issued upon presentation of evidence satisfactory to the Department that the center is in compliance with applicable statutes and these rules. The license is valid for one year unless voluntarily surrendered by the holder, reduced to a restricted or temporary license or suspended or revoked by the Department.

4. Qualification Requirement. In order to obtain or retain a license, the director of the center and its employees must be qualified as defined in these rules to administer or work in a center. The Department may presume that the director and center employees are qualified subject to satisfactory determinations on the criminal records checks. However, the Department may require additional reasonable verification of the qualifications of the director and center employees either at the time of application for a license or at any time during the license period whenever the Department has reason to believe that a director or center employee is not qualified under these rules to administer or work in a child care learning center. Reasonable verification which may be required by the Department may include, but need not be limited to, any or all of the following: statement(s) from an attending physician or other health care professionals attesting to the mental and/or physical health of the applicant and/or staff member; letters of reference from designated persons in the community where the applicant and/or staff member intends to work or is working; certified copies of court orders and additional criminal records checks.

(d) License is Non-transferable. A license to operate a child care learning center is not transferable in any way. Each license shall be returned to the Department immediately upon the expiration, suspension, revocation, restriction of the license or termination of the operation.

(e) Amended License. If there is a change in the name of the program or center, changes in the ages of the children to be served, an increase in the regular hours of operation such that the center would be providing evening or night-time care in addition to day-time care, changes in the services provided, additions to or changes in the use of the building by the licensed center, an application for an amended license shall be submitted at least thirty (30) days prior to the change, except in the case of an emergency. If an emergency situation arises which makes it impossible to give thirty (30) days notice, the management of the center shall notify the Department by telephone and shall submit an application for an amended license as soon as management becomes aware of the change that will be necessitated by the emergency situation. In no case, however, shall a new owner operate the child care learning center without first securing a new license from the Department.

(f) False or Misleading Information. The application for a license, including the application for a criminal records check, must be truthfully and fully completed. In the event that the Department has reason to believe that the application has not been completed truthfully, it may require additional verification of the facts alleged. The Department may refuse to issue a license where false statements have been made in connection with the application or any other documents required by the Department.

(g) E-mail Contact Information. Each center licensed in the state of Georgia shall provide the Department e-mail contact information ("Contact Information") so that this agency may contact the center and send information to the center via e-mail. It shall be the center's responsibility to maintain correct contact information, to update the Department if contact information changes, and to respond timely to information requests from the Department transmitted to the provided e-mail address. Delivery of any such information, including but not limited to directives, bulletins, data requests, notices of proposed amendments to rules and regulations, and any other matters affecting centers, to said e-mail address shall be considered valid so long as the Department does not receive a failure to deliver message.

1. All currently licensed centers shall supply the Department with an e-mail address by June 1, 2009 on forms provided by the Department. All applicants for licensure shall submit a valid e-mail address to the Department at the time of application on forms provided by the Department.

Authority O.C.G.A. Sec. 20-1A-1. **History.** Original Rule entitled "Governing Body" adopted. F. Dec. 23, 1997; eff. Mar. 1, 1998, as specified by the Agency. **Amended:** ER. 591-1-1-0.2-.16 adopted. F. Jan. 31, 2005; eff. Feb. 1, 2005, as specified by the Agency. **Amended:** Permanent Rule adopted. F. May 23, 2005; eff. June 12, 2005. **Amended:** F. Apr. 17, 2009; eff. May 7, 2009.

### **591-1-1-.17 Hygiene.**

(1) Bathtubs and Showers. If used, bathtubs and showers shall be cleaned with a disinfectant after each use.

(2) Children's Hygiene. To the extent possible, personnel shall keep children clean, dry and comfortable.

(3) Children's Personal Items. Children's combs, toothbrushes and cloth towels shall be kept clean.

(4) Contagious Diseases. Staff, or any other persons being supervised by the staff, shall not be allowed in the center who knowingly have or present symptoms of a fever or diarrhea.

(5) Drinking Fountains and Cups. Drinking fountains, if available, shall be safe and kept clean, have regulated pressure, not be mounted on sinks used for diaper changing activities and have an angle jet with an orifice guard above the rim. Single-service drinking cups shall be provided when appropriate drinking fountains are not available, and cups shall be discarded after each use unless the cups are sanitized in a dishwasher between each use.

(6) Garbage. Garbage and organic waste shall be stored in containers that are lined with plastic liners and have tight-fitting covers. Trash and garbage shall be removed from the building daily or as often as necessary to maintain the premises in a clean condition.

(7) Handwashing, Children. Children's hands shall be washed with soap and running water prior to eating meals or snacks and after toileting. Washcloth handwashing is permitted for children under the age of two (2) years and for children with special needs who are not capable of washing their own hands. An individual washcloth used only one time between laundering shall be used for each child.

(8) Handwashing, Staff. Personnel shall wash their hands with soap and warm running water immediately before feeding each child, prior to eating, after eating, drinking, toileting, using tobacco products or being contaminated by other means. A copy of a hand washing chart, provided by the Department, shall be posted above or beside each lavatory used by adults.

(9) Laundry. If laundry is done on center premises, the laundry area shall be located outside the children's activity rooms or areas and not used as a passageway by children to travel from one area to another whenever any soiled or clean laundry is exposed.

(10) Potty Chairs. If used, toilet potty chairs shall after each use be emptied by disposal in a flush toilet, cleaned with a disinfectant, and stored in the bathroom. If a sink is used, the sink shall also be disinfected.

(11) Soiled Containers and Items. Separate containers shall be used for storing soiled disposable items, such as disposable diapers and disposable washcloths and soiled non-disposable items such as cloth diapers, washcloths and bed linens. Such containers shall be waterproof or equipped with a leak proof disposable liner, covered, easily cleaned and

maintained in such a manner so as the contents of the container are never accessible to the children.

(12) Wet Clothing. Children's wet or soiled clothing shall be stored in individual plastic bags after being rinsed thoroughly.

Authority O.C.G.A. Sec. 20-1A-1 et seq. **History.** Original Rule entitled "Hygiene" adopted. F. Dec. 23, 1997; eff. Mar. 1, 1998, as specified by the Agency. **Amended:** F. Jan. 12, 2005; eff. Feb. 1, 2005. **Repealed:** New Rule of same title adopted. F. Dec. 2, 2009; eff. Dec. 22, 2009.

### **591-1-1-.18 Kitchen Operations.**

(1) Food. Food shall be in sound condition, free from spoilage and contamination and safe for human consumption. Eggs, pork, pork products, poultry and fish shall be thoroughly cooked. All raw fruits and vegetables shall be washed thoroughly before being cooked or served. Foods not subject to further washing or cooking before serving shall be stored in such a manner as to be protected against contamination. Meats, poultry, fish, dairy products and processed foods shall have been inspected under an official regulatory program. Hot foods shall be maintained at a temperature of one hundred forty (140) degrees Fahrenheit or above except during serving. Food and drinks shall be prepared as close to serving time as possible to protect children and personnel from food-borne illness.

(2) Food Preparation Areas. Each center shall have a designated space for food preparation separate from rooms used by children and in an area not used for diaper-changing. The area shall be kept clean and free of accumulation of dust, dirt, food particles and grease deposits. Ventilation shall be provided either by mechanical or natural means so as to provide fresh air and control of unpleasant odors in the food preparation area. Food preparation surface areas shall be nonporous with no unsealed cracks or seams. Kitchen lights shall be shielded.

(3) Refrigeration. All perishable and potentially hazardous foods shall be refrigerated at a temperature of forty (40) degrees Fahrenheit or below and served promptly after cooking. Freezer temperature shall be maintained at zero (0) degrees Fahrenheit or below.

(4) Dishwashing. Non-disposable dishes, glasses and silverware shall be properly cleaned by pre-rinsing, or scraping, washing, sanitizing and air drying. A three (3) compartment sink or a dishwasher with a sani-cycle or capability of maintaining a rinse water temperature of a minimum of one hundred fifty (150) degrees Fahrenheit and a two (2) compartment sink shall be available. Dishes, glasses and silverware shall be rinsed in the approved dishwasher or rinsed in a chemical sanitizer and air dried.

(5) Storage Areas. Each center shall have a designated space for storage of food and kitchen items. The area shall be kept clean and free of accumulation of dust, dirt, food particles and grease deposits. Containers of food shall be stored above the floor on clean surfaces protected from splash and other contamination. Containers for food storage other than the original container or package in which the food was obtained shall be impervious and non-absorbent, have tight-fitting lids or covers and labeled as to contents. Cleaning materials shall be stored separately from food.

(6) Garbage. Garbage shall be stored in trash containers with lids. Containers shall be emptied and cleaned as needed. Acceptable facilities, including water and detergent or steam, shall be provided and used for cleaning containers. Areas around outside containers shall be kept clean.

(7) Hygiene. Kitchen staff shall wash their hands and arms thoroughly with liquid soap and warm running water before starting food service work and shall wash hands during



work hours as often as may be necessary to remove soil and contamination as well as after visiting the toilet room.

(8) Exclusion of Children. Children shall not be permitted in the kitchen except as part of a planned, supervised learning experience.

Authority O.C.G.A. Sec. 20-1A-1 et seq. **History.** Original Rule entitled "Kitchen Operations" adopted. F. Dec. 23, 1997; eff. Mar. 1, 1998, as specified by the Agency. **Repealed:** New Rule of same title adopted. F. Dec. 2, 2009; eff. Dec. 22, 2009.

### **591-1-1-.19 License Capacity.**

(1) Usable Space Per Child. A center's license capacity is based upon its size. A center must have thirty-five (35) square feet of usable space per child. Kitchens, bathrooms, closets, halls, storage areas or rooms, offices, rooms designated for staff use, other single use areas and space occupied by adult size furniture shall be excluded in determining usable space.

(2) Exception. Upon approval by the Department, a center may designate two (2) specific one (1) hour periods each day when only twenty-five (25) square feet of space per child is provided for children three (3) years of age and older in their assigned rooms or areas. This provision is intended to account for increased attendance for before-school and after-school care.

Authority O.C.G.A. Sec. 20-1A-1. **History.** Original Rule entitled "License Capacity" adopted. F. Dec. 23, 1997; eff. Mar. 1, 1998, as specified by the Agency. **Amended:** F. Jan. 12, 2005; eff. Feb. 1, 2005.

### **591-1-1-.20 Medications.**

(1) Parental Authorization. Except for first aid, personnel shall not dispense prescription or non-prescription medications to a child without specific written authorization from the child's physician or parent. Such authorization will include when applicable, date; full name of the child; name of the medication; prescription number, if any; dosage; the dates to be given; the time of day to be dispensed; and signature of parent.

(2) Dispensing Medication. Written authorization to dispense medications shall be limited to two (2) weeks unless otherwise prescribed by a physician. Medication shall only be dispensed out of its original container which must be labeled with the child's name.

(3) Dispensing Records. The center shall maintain a record of all medications dispensed to children by personnel to include the date, time and amount of medication that was administered; any noticeable adverse reactions to the medication; and the signature or initials of the person administering the medication.

(4) Storage. Medications shall be kept in a locked storage cabinet or container which is not accessible to the children and stored separate from cleaning chemicals, supplies or poisons. Medications requiring refrigeration shall be placed in a leakproof container in a refrigerator that is not accessible to the children.

(5) Unused Medication. Medicines which are no longer to be dispensed shall be returned to the child's parents immediately.

(6) Non-Emergency Injections. Non-emergency injections shall only be administered by appropriately licensed persons unless the parent and physician of the child sign a written authorization for the child to self-administer the injection.

Authority O.C.G.A. Sec. 20-1A-1. **History.** Original Rule entitled "Medications" adopted. F. Dec. 23, 1997; eff. Mar. 1, 1998, as specified by the Agency.

## **591-1-1-.21 Operational Policies and Procedures.**

A center shall establish and implement written policies and procedures which shall be kept current and made available to the parents and used to govern the operations of the center.

(1) The policies and procedures shall be consistent with applicable laws, regulations and these rules and shall include the following:

(a) A description of services to be provided which specifies the ages of children to be served, days and times of operations and days and times that the center is closed;

(b) A description of enrollment and admission requirements which specifies the parents' responsibilities for supplying needed information to the center and escorting the child to and from the center;

(c) A fee and payment schedule that specifies the standard fees, fees related to absences and vacations and other charges and fees such as transportation and late fees;

(d) A description of the center's transportation and field trip services (see rule .36 about transportation requirements);

(e) A description of handling administration of medication (see rule .20 about medications), and notifying parents of noticeable adverse reactions to prescribed medications;

(f) A description of parental notification in cases of illnesses and injury and exclusion of sick children (see rule .07 about children's health);

(g) A description of parental notification when a notifiable communicable disease is present (see rule .07 about children's health);

(h) A description of handling medical emergencies (see rule .07 about children's health);

(i) A description of meals and snacks served, including guidelines for food brought from the child's home;

(j) Permission for access by the child's parents to all center areas used by the child (see rule .22 about parental access);

(k) Child abuse reporting law requirements;

(l) A description of behavior management and discipline actions used by the center;

(m) Nondiscrimination statement;

(n) Center sponsored religious and cultural activities, if any;

(o) If licensed for the care of an infant or toddler:

(i) Center's diapering procedures;

(ii) Center's toilet training procedures;

(iii) Center's feeding procedures;

(p) A written plan for handling emergencies, including but not limited to severe weather, loss of electrical power or water and death, serious injury or loss of a child, which may occur at the center. Such plan shall include assurance that no center personnel will impede in any way the delivery of emergency care or services to a child by licensed or certified emergency health care professionals.

(2) The center shall have written documentation signed by the parents in each child's file that the director or designee has:

(a) Provided to the parents a copy of the center's policies and procedures required by this rule;

(b) Advised the parents of the child's progress, issues relating to the child's care and individual practices concerning the child's special needs;

(c) Encouraged parents' participation in center activities.

(3) The center shall conduct drills for fire, tornado and other emergency situations. The fire drills will be conducted monthly and tornado and other emergency situation drills will be conducted every six months. The center shall maintain documentation of the dates and times of these drills for two years.

(4) The center shall provide the parents with a copy of the center's policies and procedures as required by this rule.

Authority O.C.G.A. Sec. 20-1A-1. **History.** Original Rule entitled "Operational Policies and Procedures" adopted. F. Dec. 23, 1997; eff. Mar. 1, 1998, as specified by the Agency. **Amended:** F. Aug. 25, 2008; eff. Sept. 14, 2008.

**591-1-1-.22 Parental Access.**

The custodial parent(s) of the child shall at any time the child is in attendance be permitted access to all child care areas of the center and shall make his or her presence known to center staff prior to removing the child from the center.

Authority O.C.G.A. Sec. 20-1A-1. **History.** Original Rule entitled "Parental Access" adopted. F. Dec. 23, 1997; eff. Mar. 1, 1998, as specified by the Agency.

### **591-1-1-.23 Parental Authorizations.**

A center must obtain the following parental authorizations when a child is enrolled.

- (a) Authorization for the center to obtain emergency medical care for the child when the parent is not available;
- (b) Authorization for the center to dispense medication (see rule .20 for details about dispensing medication);
- (c) Authorization for the child to participate in field trips and special activities away from the center (see rule .13 for details about field trips);
- (d) Authorization for the child to participate in water-related activities occurring in water that is more than two (2) feet deep if the center participates in such activities (see rule .35 for details about water-related activities);
- (e) Authorization for the center to provide routine transportation for the child to or from school, home or center (see rule .36 for details about transportation);
- (f) Authorization for persons other than parents to pick up or drop off their child, including the names of such persons.

Authority O.C.G.A. Sec. 20-1A-1. **History.** Original Rule entitled "Parental Authorizations" adopted. F. Dec. 23, 1997; eff. Mar. 1, 1998, as specified by the Agency.

## **591-1-1-.24 Personnel Records.**

A center must maintain a personnel file on the director and all employees and it shall contain the following:

(a) Identifying information to include: name, date of birth, social security number, current address and current telephone number;

(b) Employment history;

(c) As applicable to the position held, evidence of education and qualifying work experience;

(d) As applicable to the position held, evidence of required orientation including date and signature of person providing the orientation;

(e) All training required by these rules which shall include: title of training, date of training, trainer's signature, location of training and number of clock hours obtained;

(f) Verification of a satisfactory criminal records check determination;

(g) Daily attendance records or other employee payroll records for the employee for the preceding six (6) month period which may be stored away from the center provided that the center notifies the Department of its intention to store these records off-site, provides the Department with the name, address and phone number of the custodian of these records and allows the Department, at its discretion, to have access to these records at the custodian's location immediately or access at the center within seven (7) business days of a Department representative's request. The Department may, at its discretion, accept photocopies of the requested records which are provided within seven (7) business days of the Department representative's request for the same;

(h) Statement completed by the staff member or other documentation regarding qualifications.

Authority O.C.G.A. Sec. 20-1A-1. **History.** Original Rule entitled "Personnel Records" adopted. F. Dec. 23, 1997; eff. Mar. 1, 1998, as specified by the Agency. **Amended:** F. Jan. 12, 2005; eff. Feb. 1, 2005.



## **591-1-1-.25 Physical Plant.**

- (1) Ceilings. Ceilings shall be at least seven (7) feet in height.
- (2) Changing Areas. For evening and night-time care, separate changing areas shall be provided for children of the opposite sex eight (8) years of age and older.
- (3) Cleanliness. The center and surrounding premises shall be kept clean, free of debris and in good repair.
- (4) Climate Control. A center shall be maintained at a temperature range of sixty-five (65) degrees Fahrenheit to eighty-five (85) degrees Fahrenheit depending upon the season and ventilated either by mechanical or natural means to provide fresh air and control unpleasant odors. Facilities which do not have a functioning central heating and air-conditioning system shall make fifty percent (50%) of all required windows operable for ventilation. Any openings used for ventilation shall be screened.
- (5) Construction and Renovation. A person planning the construction of a new center or planning any structural changes to an existing center shall obtain approval from the Department local zoning authorities, fire safety agencies and local building authorities. Construction and maintenance work shall take place only in areas that are not accessible to the children.
- (6) Cubbies — Individual Storage Space. Each child's personal items shall be kept in individually labeled cubbies, lockers or racks separated from articles used by other children. The spaces shall be accessible to the children to whom they are assigned.
- (7) Doors and Locks. Doors to rooms not approved for child care, other than the kitchen doors, shall be latched or locked so children cannot wander into those areas. Except in school-age centers, interior center door locks shall permit personnel to open the locked room from outside of the room in an emergency.
- (8) Electrical Outlets. Except in school-age centers, all unused electrical outlets within reach of children shall have protective caps specifically designed to prohibit children from placing anything in the receptacle. Electrical outlets in use which the children can reach shall be made inaccessible to the children.
- (9) Exclusion from Premises. The center shall not allow any person to remain on the center premises if the person does not have a legitimate reason for being on the premises.
- (10) Fire Safety. A center must be in compliance with applicable laws and regulations issued by the state fire marshal, the proper local fire marshal or state inspector, including a certificate of occupancy if required prior to receiving any children for care.
- (11) Flooring. Floor coverings shall be tight, smooth, free of odors and washable or cleanable.

(12) Heating and Cooling Equipment. Heating and cooling equipment shall be protected to prevent children from touching it. Fans, space heaters, etc. shall be positioned or installed so as to be inaccessible to the children.

(13) Indoor Storage Areas. Potentially hazardous equipment, materials and supplies shall be stored in a locked area inaccessible to children. Examples of items to be stored include non-food related products under pressure in aerosol dispensing cans, flammable and corrosive materials, cleaning supplies, poisons, insecticides, office supplies and industrial-sized or commercial buckets with a capacity of three gallons or more or any other similar device with rigid sides which would not tip over if a toddler fell into the container head first.

(14) Lighting. A center shall be lighted with a minimum of twenty-five (25) foot candles of illumination except during scheduled nap or rest periods. Areas used for napping shall be lit dimly. A center shall provide outside lighting at entrances and exits used by children when the center provides evening or night-time care.

(15) Outside Storage Area. Any outside storage or equipment area shall be locked or separated from the children by a barrier or be enclosed and shall not be accessible to the children.

(16) Parking. Sufficient parking areas shall be provided to permit safe discharge and pick up of children.

(17) Plants and Shrubs. The center premises shall be free of plants and shrubs which are poisonous or hazardous.

(18) Telephone. An operable telephone shall be readily available in the center and the following emergency telephone numbers must be posted in a conspicuous place next to the telephone: physician or hospital; county health department; regional poison control center; all emergency numbers or numbers of local ambulance service, fire and police departments.

(19) Unapproved Areas. The following areas shall not be used as activity areas for the children: basement area in excess of twenty-five linear feet from a window; rooms with floor levels lower than three (3) feet or more below ground level on all sides; and any area unapproved for use by authorities having jurisdiction.

(20) Water and Sewage. All water sources, if other than an approved city or county system, shall be approved by the proper authority having jurisdiction. All sewage disposal systems, if other than an approved city or county system, shall be approved by the local county health department and specify the number of persons the system is approved to serve.

(21) Windows. All floor level windows or full-length glass doors shall be constructed of safety glass with decals applied at the eye level of the children or such windows or doors

shall have protective devices covering the glass designed to prevent the children from getting cut by the glass should it break for any reason. Except in school-age centers, child care rooms shall have outside windows which receive natural sunlight and equal not less than five percent (5%) of the floor area in each room, unless central heating and air conditioning are provided.

Authority O.C.G.A. Sec. 20-1A-1. **History.** Original Rule entitled "Physical Plant" adopted. F. Dec. 23, 1997; eff. Mar. 1, 1998, as specified by the Agency. **Amended:** F. Jan. 12, 2005; eff. Feb. 1, 2005.

## **591-1-1-.26 Playgrounds.**

(1) Size. For centers first licensed after March 1, 1991, the center shall provide or have ready access to an outdoor play area. The minimum size of the outdoor area must be equal to one hundred (100) square feet times one-third ( $1/3$ ) of the center's licensed capacity for children.

(2) Playground Occupancy. At least one hundred (100) square feet shall be available for each child occupying the outside play area at any one time. Groups of children may be rotated if necessary so that one hundred (100) square feet per child is provided at all times.

(3) Location. Playgrounds shall be adjacent to the center or in an area which can be reached by a safe route or method approved by the Department. Except in school-age centers, the playground shall have shaded areas.

(4) Fence or Approved Barriers. Playgrounds shall be protected from traffic or other hazards by a four (4) foot or higher secure fence or other barrier approved by this Department. Fencing material shall not present a hazard to children and shall be maintained so as to prevent children from leaving the playground area by any means other than through an approved access route. Fence gates shall be kept closed except when persons are entering or exiting the area.

(5) Playground Surfaces. Except in school-age centers, the playground shall have a surface suitable for varied activities. Hard surfaces, such as gravel, concrete, or paving shall not exceed one-fourth ( $1/4$ ) of the total playground area.

(6) Equipment. Playground equipment shall provide an opportunity for the children to engage in a variety of experiences and shall be age-appropriate. For example, toddlers shall not be permitted to swing in swings designed for school-age children. The outdoor equipment shall be free of lead-based paint, sharp corners and shall be regularly maintained in such a way as to be free of rust and splinters that could pose significant safety hazard to the children. All equipment shall be arranged so as not to obstruct supervision of children.

(7) Anchoring of Certain Equipment and Fall Zones. Climbing and swinging equipment shall be anchored and have a resilient surface beneath the equipment. The fall-zone from such equipment must be adequately maintained by the center to assure continuing resiliency.

(8) Safety and Upkeep of Playground. Playgrounds shall be kept clean, free from litter and free of hazards, such as but not limited to non-resilient surfaces under the fall-zone of play equipment, rocks, exposed tree roots and exposed sharp edges of concrete or equipment.

Authority O.C.G.A. Sec. 20-1A-1. **History.** Original Rule entitled "Playgrounds" adopted. F. Dec. 23, 1997; eff. Mar. 1, 1998, as specified by the Agency. **Amended:** F. Jan. 12, 2005; eff. Feb. 1, 2005.



### **591-1-1-.27 Posted Notices.**

Each center shall post in a designated area for public viewing near the front entrance the following:

- (a) The center current license;
- (b) A copy of these rules;
- (c) A notice provided by the Department which advises parents of their right to review a copy of the center's most recent licensure evaluation report upon request to the center director. The center shall provide any parent with a copy of this evaluation report upon request.
- (d) A copy of the current communicable disease chart;
- (e) A statement allowing parental access to all child care areas upon notifying any staff member of his or her presence;
- (f) Names of persons responsible for the administration of the center in the administrator's absence;
- (g) The current week's menu for meals and snacks;
- (h) Emergency plans for severe weather and fire;
- (i) A statement requiring visitors to check in with staff when entering the center;
- (j) No smoking signs.

Authority O.C.G.A. Sec. 20-1A-1. **History.** Original Rule entitled "Posted Notices" adopted. F. Dec. 23, 1997; eff. Mar. 1, 1998, as specified by the Agency. **Amended:** F. Jan. 12, 2005; eff. Feb. 1, 2005.

### **591-1-1-.28 Prohibited Substances.**

(1) Alcohol and Illegal Drugs. Staff, chaperons and students in training shall not be under the influence of or consume alcohol, marijuana or other controlled substances on the center premises during the hours of operation or at any other time or place where there are children present for whom the center staff is responsible.

(2) No Smoking. Smoking is prohibited on the premises of a center during the hours of operation and no smoking signs must be posted. Smoking is also prohibited in any vehicle used to transport children during the hours that the center is in operation.

Authority O.C.G.A. Sec. 20-1A-1. **History.** Original Rule entitled "Prohibited Substances" adopted. F. Dec. 23, 1997; eff. Mar. 1, 1998, as specified by the Agency.

## **591-1-1-.29 Required Reporting.**

(1) The director or designated person-in-charge shall report or cause to be reported the following:

(a) Child Abuse, Neglect or Deprivation. Suspected incidents of child abuse, neglect or deprivation shall be reported to the local County Department of Family and Children Services in accordance with state law.

(b) Communicable Diseases. Any cases or suspected cases of notifiable communicable diseases shall be reported to the local County Health Department as required by the rules of the Department of Human Resources regarding Notification of Disease, Chapter 290-5-3.

(c) Incident Reports. The following incidents must be reported to the Department within twenty-four (24) hours or the next work day:

1. Any death of a child while in the care of the center;
2. Any serious illness or injury requiring hospitalization or professional medical attention other than first aid of a child while in the care of the center;
3. Any situation when a child in care becomes missing, such as, but not limited to, a child who is left on a vehicle, a child who leaves the building, playground, or property, or a child who is left behind on any trip.
4. Any fire;
5. Any structural disaster;
6. Any emergency situation that requires temporarily relocating children.

(d) Criminal Record. The name of any employee who acquires a criminal record if the director knows, or reasonably should know, of the employee's criminal record shall be reported to the Department.

(2) Annual Reports. The Department may request an annual report from an administrator of a center. If such a request is made, the administrator shall have up to thirty (30) days to submit the annual report to the Department.

Authority O.C.G.A. Sec. 20-1A-1 et seq. **History.** Original Rule entitled "Required Reporting" adopted. F. Dec. 23, 1997; eff. Mar. 1, 1998, as specified by the Agency. **Amended:** F. Jan. 12, 2005; eff. Feb. 1, 2005. **Repealed:** New Rule of same title adopted. F. Aug. 7, 2009; eff. Aug. 27, 2009.



### **591-1-1-.30 Sleeping and Resting Equipment.**

- (1) Individual Sleeping and Resting Equipment. Individual sleeping and resting equipment shall be available for each child. The equipment used shall include cribs (for infants who have not learned how to climb out of a crib), playpens and cots or mats.
- (2) Cribs. A crib with a mattress shall be available for each infant.
- (a) Crib Construction. Cribs shall be of sturdy construction with bars no more than two and three-eighths inches (2 3/8") apart. Locks and latches on the dropside of the crib shall be safe and secure from accidental release. Stack cribs shall not be used.
- (b) Crib Mattress. A mattress shall be at least two inches (2") thick and covered with waterproof, washable material. Before a change of occupant, each mattress shall be cleaned with a disinfectant.
- (c) Crib Bedding. Each crib shall have individual crib-size bedding, including a sheet and a cover which is changed daily or more often as needed and prior to a change of occupant.
- (d) Mobiles. If crib mobiles or other mobiles are used in the center, the mobiles shall be placed or installed in such a manner so as to be incapable of being touched by any infant or child.
- (e) Crib Safety. Crib sides shall always be up and the fastening secured when a child is in the crib except when personnel are standing at the side of the crib giving the child personal attention. There shall be no restraining devices of any type used in the crib unless prescribed in writing by a physician. Staff shall be responsible for using the restraints safely and in accordance with the prescription. Loose plastic materials shall not be used in cribs.
- (3) Playpens. Depending on the developmental stage of a one (1)-year-old child, a clean playpen instead of a crib may be used. If used, playpens shall be stored outside of the children's activity room or area when children are not sleeping or resting. Playpens shall have a two inch (2") mattress and be covered with a clean sheet or similar covering.
- (4) Cots and Mats. Cots and mats shall be available for each child who is two (2) years of age or older and who is required to take a nap. A younger child may use a cot or mat if developmentally appropriate.
- (a) Construction and Coverings. Cots and mats shall be of sound construction and of sufficient size to accommodate comfortably the size and weight of the child. Mats must be washable, covered with waterproof material and at least two inches (2") thick. Cots and mats shall be covered with a clean sheet or similar covering.
- (b) Individual Use. Cots and mats must be used by the same child daily and marked for individual use.
- (5) Sheets. Sheets or similar coverings for playpens and cots or mats shall either be individually marked or laundered daily. If individually marked, they must be laundered weekly or more frequently if needed.
- (6) Covers. A light cover shall be available for each child's use and shall be individually marked or laundered daily. If individually marked, they must be laundered weekly or more frequently if needed.
- (7) Pillows. Pillows shall not be used by children under two (2) years of age. When used for older children, pillows shall be assigned for individual use and covered with individually marked pillow cases or covered with cases that are laundered daily. Individually marked pillow cases shall be laundered weekly or more frequently as needed.

(8) Arrangement of Sleeping and Resting Equipment. Equipment shall be arranged to avoid obstructing access to exit doors, to provide the caregivers access to each child, and to prevent children's access to cords hanging from window treatments and other hazardous objects. To reduce the transfer of airborne diseases, sleeping and resting equipment shall be arranged as follows. There shall be a minimum of twenty-four inch (24") corridor between each row of sleeping or resting equipment. There shall be a minimum of twelve inches (12") between each piece of sleeping or resting equipment in each row of equipment. Children shall be placed on sleeping equipment so that one child's head is toward another child's feet in the same row.

(9) Night-time Care. For centers that offer night-time care, each child, except infants who require individual cribs, shall be provided an individual bed with a four inch (4") mattress or a cot with a two inch (2") pad. Such equipment shall be arranged so that the children's sleep will not be unnecessarily interrupted by delivery and pick up of other children.

(10) Storage. If cots and mats are stored in the children's activity room or area, they shall be stored to prevent children's access to them and to allow maximum use of play space.

Authority O.C.G.A. Sec. 20-1A-1. **History.** Original Rule entitled "Sleeping and Resting Equipment" adopted. F. Dec. 23, 1997; eff. Mar. 1, 1998, as specified by the Agency.

## **591-1-1-.31 Staff.**

### **(1) Director.**

(a) A center must have a director who is responsible for the supervision, operation and maintenance of the center. The director must be on the center's premises. If the director is absent from the center at any time during the hours of the center's operation, there shall be an officially designated person on the center site to assume responsibility for the operation of the center, and this person shall have full access to all records required to be maintained under these rules.

(b) Qualifications of Director. The director must meet the minimum qualifications listed below. (Note: The educational and qualifying child care experience requirements contained in 591-1-1-.31(b)2.(i) through (v) will remain in effect through November 30, 2012. These requirements will change effective December 1, 2012, and the new educational and qualifying experience requirements for directors are listed in 591-1-1-.31(1)(b)3.(i) through (xiii) below.):

1. Be at least twenty-one (21) years of age;

2. Possess at least one of the following sets of minimum academic requirements and qualifying child care experience at the time of employment:

(i) High school diploma or general education diploma (G.E.D.) and one (1) year of qualifying child care experience;

(ii) Child Development Associate (CDA) credential; Child Development and Related Care diploma from a vocational institute accredited by the Commission on Colleges of the Southern Association of Colleges and Schools; or similar credential where the course of study includes an intensive practicum in child care as part of the curriculum and which is approved by the Department;

(iii) Associate's degree in Early Childhood Education or Child Development and six (6) months of qualifying child care experience;

(iv) Bachelor's degree from an accredited college or university in a field other than Early Childhood Education or Child Development and three (3) months of qualifying child care experience;

(v) Bachelor's degree from an accredited college or university in Early Childhood Education or Child Development.

3. Effective December 1, 2012, the educational and qualifying child care experience requirements for directors, listed in 591-1-1-.31(1)(b)2.(i) through (v) above, will no longer be valid. Effective December 1, 2012, and thereafter, all directors must possess at least one of the following sets of minimum academic requirements and qualifying child care experience at the time of employment:

(i) Child Development Associate (CDA) credential issued by the Council for Professional Recognition; Child Development and Related Care diploma from a

vocational institute accredited by the Commission on Colleges of the Southern Association of Colleges and Schools; or similar credential where the course of study includes an intensive practicum in child care as part of the curriculum and which is approved by the Department; and six (6) months of qualifying child care experience;

(ii) Technical Certificate of Credit (TCC) in Early Childhood Education or Child Development and six (6) months of qualifying child care experience;

(iii) Technical Certificate of Credit (TCC) in Infant and Toddler and six (6) months of qualifying child care experience;

(iv) Technical Certificate of Credit (TCC) in Program Administration and six (6) months of qualifying child care experience;

(v) Technical Certificate of Credit (TCC) in School Age and Youth Care and six (6) months of qualifying child care experience;

(vi) Technical College Diploma (TCD) in Early Childhood Education or Child Development and six (6) months of qualifying child care experience;

(vii) Forty-hour (40) director training course approved by the Department and has been employed for a minimum of five (5) years as an on-site child care learning center director or as an on-site group day care home administrator/director;

(viii) Associate's degree in Early Childhood Education or Child Development and six (6) months of qualifying child care experience;

(ix) Paraprofessional Certificate issued by the Georgia Professional Standards Commission and six (6) months of qualifying child care experience;

(x) Twenty-five (25) quarter hours or fifteen (15) semester hours from an accredited college or university in Early Childhood Education or Child Development and six (6) months of qualifying child care experience;

(xi) Bachelor's degree from an accredited college or university in a field other than Early Childhood Education or Child Development and three (3) months of qualifying child care experience;

(xii) Bachelor's degree from an accredited college or university in Early Childhood Education or Child Development;

(xiii) Master's degree from an accredited college or university in Early Childhood Education or Child Development;

4. Have current evidence of successful completion of a biennial training program in cardiopulmonary resuscitation (CPR) and a triennial training program in first aid provided by certified or licensed health care professionals and which covers the provision of emergency care to infants and children;

5. Participate in the orientation and training required by these rules;

6. Not be suffering from any physical handicap or mental health disorder that would interfere with the applicant's ability to perform adequately the job duties of providing for the care and supervision of the children enrolled in the center in accordance with these rules;

7. Never have been shown by credible evidence, e.g., a court or jury, a Department investigation or other reliable evidence to have abused, neglected or deprived a child or adult or to have subjected any person to serious injury as a result of intentional or grossly negligent misconduct. The Department may request an oral or written statement to this effect at the time of application or at any other time. Upon said request, the director or staff shall provide this statement to the Department;

8. Not have a criminal record; and

9. Not have made any material false statements concerning qualifications requirements either to the Department or to the proposed or current licensee or commission holder.

(c) Required Records. Effective December 1, 2012, a copy and/or written verification of the credential or degree awarded to the director by the technical college, university, school or Department-approved trainer listed in 591-1-1-.31(1)(b)3.(i) through (xiii) shall be maintained by the center in the director's file, and such documentation shall be available for inspection and provided to Department staff upon request.

(2) Teacher/Lead Caregiver.

(a) A center must have a designated teacher/lead caregiver for each group of children.

(b) Qualifications of Teacher/Lead Caregiver. The teacher/lead caregiver must meet the minimum qualifications listed below. (Note: The educational and qualifying child care experience requirements contained in 591-1-1-.31(2)(b)2. will remain in effect through November 30, 2012. These requirements will change effective December 1, 2012, and the new educational and qualifying child care experience requirements for teachers/lead caregivers are listed in 591-1-1-.31(2)(b)3.(i) through (xii) below.):

1. Be at least eighteen (18) years of age;

2. Have either a high school diploma or a general education diploma (G.E.D.) or one (1) year of qualifying child care experience if hired after the effective date of these rules;

3. Effective December 1, 2012, the qualifications listed in 591-1-1-.31(2)(b)2. above will no longer be valid. Effective December 1, 2012, and thereafter, all teachers/lead caregivers must possess at least one of the following sets of minimum academic requirements and qualifying experience at the time of employment:

(i) Child Development Associate (CDA) credential issued by the Council for Professional Recognition; Child Development and Related Care diploma from a vocational institute accredited by the Commission on Colleges of the Southern Association of Colleges and Schools; or similar credential where the course of study includes an intensive practicum in child care as part of the curriculum and which is approved by the Department;

(ii) Technical Certificate of Credit (TCC) in Early Childhood Education or Child Development;

(iii) Technical Certificate of Credit (TCC) in Infant and Toddler;

(iv) Technical Certificate of Credit (TCC) in Program Administration;

(v) Technical Certificate of Credit (TCC) in School Age and Youth Care;

(vi) Technical College Diploma (TCD) in Early Childhood Education or Child Development;

(vii) Associate's degree in Early Childhood Education or Child Development (AA, AAS, AAT);

(viii) Paraprofessional Certificate issued by the Georgia Professional Standards Commission;

(ix) Twenty-five (25) quarter hours or fifteen (15) semester hours from an accredited college or university in Early Childhood Education or Child Development;

(x) Bachelor's degree from an accredited college or university in a field other than Early Childhood Education or Child Development and three (3) months of qualifying child care experience;

(xi) Bachelor's degree from an accredited college or university in Early Childhood Education or Child Development;

(xii) Master's degree from an accredited college or university in Early Childhood Education or Child Development.

4. Have current evidence of successful completion of a biennial training program in cardiopulmonary resuscitation (CPR) and a triennial training program in first aid provided by certified or licensed health care professionals and which covers the provision of emergency care to infants and children if the caregiver is to be counted as part of the fifty percent (50%) of the child care staff with the required current evidence of CPR and first aid training;

5. Participate in the orientation and training required by these rules;

6. Not be suffering from any physical handicap or mental health disorder that would interfere with the person's ability to perform assigned job duties adequately and in accordance with these rules;

7. Never have been shown by credible evidence, e.g., a court or jury, a Department investigation or other reliable evidence to have abused, neglected or deprived a child or adult or to have subjected any person to serious injury as a result of intentional or grossly negligent misconduct. The Department may request an oral or written statement to this effect at the time of application or at any other time. Upon said request, the teacher/lead caregiver or staff shall provide this statement to the Department.

8. Not have a criminal record; and

9. Not have made any material false statements concerning qualifications requirements either to the Department or to the proposed or current licensee or commission holder.

(c) Required Records. Effective December 1, 2012, a copy and/or written verification of the credential or degree awarded to the lead teacher by the technical college, university, school or Department-approved trainer listed in 591-1-1-.31(2)(b)3.(i) through (xii) shall be maintained by the center in the lead teacher's file, and such documentation shall be available for inspection and provided to Department staff upon request.

(3) Qualifications of Teacher/Lead Caregiver Hired After November 30, 2012.

(a) The teacher/lead caregiver must meet the minimum qualifications, educational and qualifying child care experience requirements contained in 591-1-1-.31(2)(b)1. through 9.

(b) If the newly hired lead teacher does not possess one of the educational and qualifying child care experience requirements listed in 591-1-1-.31(2)(b)3.(i) through (xii), the center may hire this individual as lead teacher if the following requirements are met:

1. The lead teacher enrolls in a program of study to obtain one of the educational credentials and qualifying experience requirements listed in 591-1-1-.31(2)(b)3.(i) through (xii), within six (6) months after becoming employed at the center and completes the credential or degree within eighteen (18) months after enrollment;

2. The center prepares a written plan outlining the newly hired lead teacher's professional development in obtaining one of the credentials or degrees listed in 591-1-1-.31(2)(b)3.(i) through (xii). Such plan must include the following information:

(i) Individual's identifying information (name, address and telephone numbers);

(ii) Technical college, university or school where enrolled (name, address and telephone number) or Department-approved trainer providing credential coursework (name, address and telephone number);

(iii) Credential or degree individual is seeking;

(iv) Content area of credential or degree;

(v) Anticipated date for completion of credential or degree;

(vi) Names and numbers of courses to be completed during the current year and ongoing updates of the names and numbers of courses to be completed for the following year(s);

(vii) Documentation of course work successfully completed throughout process (i.e., completion of quarter, semester or component of course work); and

(viii) A copy of the credential or degree awarded by the technical college, university, school or Department-approved trainer for specified credential upon completion.

3. This professional development plan must be maintained in the lead teacher's file, and such plan shall be available for inspection and provided to Department staff upon request.

(4) Caregivers/Aides.

(a) A center may employ caregivers/aides to assist the teacher/lead caregiver in the care of children in any group within the center. No caregiver/aide who is 16 or 17 years of age shall be solely responsible for children.

(b) Qualifications of Caregivers/Aides.

1. Be at least sixteen (16) years of age;

2. Have current evidence of successful completion of a biennial training program in cardiopulmonary resuscitation (CPR) and a triennial training program in first aid provided by certified or licensed health care professionals and which covers the provision of emergency care to infants and children if the caregiver is to be counted as part of the fifty percent (50%) of the child care staff with the required current evidence of CPR and first aid training;

3. Participate in the orientation and training required by these rules;

4. Not be suffering from any physical handicap or mental health disorder that would interfere with the person's ability to perform assigned job duties adequately and in accordance with these rules;

5. Never have been shown by credible evidence, e.g., a court or jury, a Department investigation or other reliable evidence to have abused, neglected or deprived a child or adult or to have subjected any person to serious injury as a result of intentional or grossly negligent misconduct. The Department may request an oral or written statement to this effect at the time of application or at any other time. Upon said request, the caregiver/aide or staff shall provide this statement to the Department.

6. Not have a criminal record; and

7. Not have made any material false statements concerning qualifications requirements either to the Department or to the proposed or current licensee or commission holder.

(5) Other Staff.

The center shall have qualified and sufficient direct-care, clerical, housekeeping and maintenance employees to ensure full compliance with these rules without neglecting the supervision of the children. Staff shall supervise all independent contractors, volunteers, chaperons and students in training whenever they are in the presence of the children.

(6) Substitute Employees.

The center shall provide for substitute staff when regular staff is absent from work. All substitute employees shall be at least eighteen (18) years of age. Substitute caregiver staff shall be informed of these rules and the center's policies and procedures for the age group for which they will be providing care. Substitute service staff shall be informed of the center's policies and procedures necessary to the proper performance of their job duties in compliance with these rules. A substitute employee must have a satisfactory criminal records check determination and receive orientation training. If any substitute



serves in any one (1) position longer than six (6) months, the substitute so employed must meet all staffing requirements for that position.

(7) Students in Training.

The center may employ students in training, meaning students enrolled in an educational course of study which requires or permits them to observe and participate in the care of children at a child care learning center during a limited period of time, i.e., one (1) quarter, one (1) trimester or one (1) semester. Such students must be under the direct supervision of center personnel at all times.

(8) Staff for School-Age Programs.

(a) Effective December 1, 2012, after school programs serving children ages five (5) years and older (school-age) that routinely operate a maximum of four (4) hours per day, Monday through Friday, whether the school-age program is the only licensed program at that location or operates a full day child care learning center, shall comply with the following:

(b) A school-age program must have at least one lead teacher/caregiver who is responsible for:

1. Day-to-day programming and
2. Supervision of the assistant caregivers/aides assigned to each classroom or group of school-age children.

(c) If there is only one lead teacher/caregiver and more than one classroom or group of school-age children, the director of the school-age program shall assign an assistant caregiver/aide who is at least 18 years of age to each classroom or group of children.

(d) If there is a lead teacher/caregiver assigned to each classroom or group of children, the assistant caregiver/aide may be 16 or 17 years of age.

(9) Work Schedules.

Staff shall not regularly be scheduled to perform child care duties for more than twelve (12) hours within any twenty-four (24) hour period.

(10) First Aid and CPR.

At least fifty percent (50%) of the caregiver staff shall have current evidence of first aid training and cardiopulmonary resuscitation. There must always be an employee with current evidence of first aid training and CPR on the center premises whenever children are present and on any center-sponsored field trip.

(11) Compliance with Applicable Laws and Regulations. Center staff shall comply with all applicable laws and regulations.

Apr. 17, 2009; eff. May 7, 2009. **Repealed:** New Rule of same title adopted. F. Dec. 2, 2009; eff. Dec. 22, 2009.

### **591-1-1-.32 Staff:Child Ratios and Supervision.**

(1) A center must establish groupings of children for care and maintain staff:child ratios as follows:

Ages of Children	Staff:Child Ratio*	Maximum Group Size**
Infants less than one (1) year old or children under eighteen (18) months who are not walking	1:6	12
One (1) year olds who are walking	1:8	16
Two (2) year olds	1:10	20
Three (3) year olds	1:15	30
Four (4) year olds	1:18	36
Five (5) year olds	1:20	40
Six (6) years and older	1:25	50

\* Staff, such as the director or service workers (food, maintenance and clerical staff, etc.), shall be counted in the staff:child ratio only during the time that they are giving full attention to the direct supervision of the children. Service staff routinely acting as child care workers shall meet the qualifications of the respective caregivers.

\*\* Maximum group size does not apply to outdoor play on the playground routinely used by the center or for special activities in the center lasting no more than two (2) hours. However, required staff:child ratios must be maintained.

(2) Mixed-Age Groups. Except as stated in the next paragraph, children may be combined in mixed-age groups, but the staff:child ratios for a mixed group shall be based on the ages of the youngest children in the group if more than twenty percent (20%) of the children in the mixed-age group belong to younger age grouping(s).

(3) Children under three years of age shall be housed in separate physical areas from older children and cannot be mixed with older children except at the following times and circumstances:

(a) During early morning times of arrival and late afternoon times of departure, infants and children younger than three (3) years may be grouped with older children so long as staff:child ratios and group size are met based upon the age of the youngest child in the group.

(b) Children who turn three (3) years of age during the regular school year may remain grouped with other two (2) year olds for the remainder of the school year provided that the continued placement in the younger group is with the agreement of the older child's parents and is developmentally appropriate for the child.

(4) Staff:Child Ratios During Day-time Schedule Rest or Sleeping Periods. During those periods, the staff:child ratios may be doubled for children three years and older provided that:

(a) At least one (1) staff person is in each room providing direct supervision of the children; and

(b) All staff required by paragraph (1) above relating to staff:child ratios are in the center

and available to assure safe evacuation in an emergency.

(5) Staff:Child Ratios During Evening and Night-time Care. The staff:child ratios required by paragraph (1) above shall be maintained except when a majority of the children are sleeping. When a majority of the children are sleeping, then the required ratios may be doubled. However, all staff required by paragraph (1) above must be available on the premises of the center to resume supervision of the children whenever a majority of the children in care in an area are no longer asleep or an emergency situation arises.

(6) Supervision. Children shall be supervised at all times. "Supervision" means that the appropriate number of staff members are physically present in the area where children are being cared for and are providing watchful oversight to the children, chaperons and students in training. The persons supervising in the child care area must be alert, able to respond promptly to the needs and actions of the children being supervised, as well as the actions of the chaperons and students in training, and provide timely attention to the children's actions and needs.

(7) Assignment of Caregiving Staff. Employees shall be assigned so that in so far as possible children receive care from the same employee each day.

(8) Immediately prior to the center closing and being locked at the end of the business day, the staff member charged with the responsibility of locking the center shall make a physical inspection of the entire premises to verify that no child is left on the center's premises.

Authority O.C.G.A. Sec. 20-1A-1. **History.** Original Rule entitled "Staff:Child Ratios and Supervision" adopted. F. Dec. 23, 1997; eff. Mar. 1, 1998, as specified by the Agency.

### **591-1-1-.33 Staff Training.**

(1) Orientation. Prior to assignment to children or task, all employees must receive initial orientation on the following subjects:

- (a) The center's policies and procedures;
- (b) The portions of these rules dealing with the care, health and safety of children;
- (c) The employee's assigned duties and responsibilities;
- (d) Reporting requirements for suspected cases of child abuse, neglect or deprivation; communicable diseases and serious injuries;
- (e) Emergency weather plans;
- (f) Childhood injury control;
- (g) The administration of medicine;
- (h) Reducing the risk of Sudden Infant Death Syndrome (SIDS);
- (i) Hand washing;
- (j) Fire Safety;
- (k) Water Safety;
- (l) Prevention of HIV/Aids and blood borne pathogens.

(2) First Year Training - Direct Care Staff. Within the first year of employment, all staff who provide any direct care to children shall obtain ten (10) clock hours of training or instruction in child care issues from an accredited school or Department-approved source. At least six (6) of the clock hours must be divided as follows:

(a) Four (4) clock hours of training in any of the following topics: disease control, cleanliness, basic hygiene, illness detection, illness disposition and childhood injury control.

(b) Two (2) clock hours of training in identifying, reporting and meeting the needs of abused, neglected or deprived children.

(3) First Year Training - Food Preparation. Within the first year of employment, the director and the person primarily responsible for food preparation hired after the effective date of these rules shall receive four (4) clock hours of training in food nutrition planning, preparation, serving, proper dish washing and food storage.

(4) Ongoing Training. On an annual basis, all supervisory and caregiver personnel shall attend ten (10) clock hours of training which is task-focused in early childhood education or child development or subjects relating to job assignment and is offered by an accredited college, university or vocational program or other Department-approved source.

(5) Documentation of Training. Evidence of orientation and training shall be documented in the personnel file of each staff member which shall be available to the Department for inspection.

(6) Exemptions from Training. Custodial, maintenance personnel or volunteers who provide no direct care to children are not required to obtain first year training or ongoing training.

Authority O.C.G.A. Sec. 20-1A-1. **History.** Original Rule entitled "Staff Training" adopted. F. Dec. 23, 1997; eff. Mar. 1, 1998, as specified by the Agency. **Amended:** F. Jan. 12, 2005; eff. Feb. 1, 2005. **Amended:** F. Aug. 25, 2008; eff. Sept. 14, 2008.

## 591-1-1-.34 Standards of Care.

Child Care Learning Centers are encouraged to follow and implement the Standards of Care set forth in Exhibits A, B, C, D. Following and implementing the standards are voluntary. When the Department determines that a center meets the voluntary standards, it may recognize the center's accomplishment by issuing the center a certificate or similar type of recognition.

Authority O.C.G.A. Sec. 20-1A-1. **History.** Original Rule entitled "Standards of Care" adopted. F. Dec. 23, 1997; eff. Mar. 1, 1998, as specified by the Agency. **Amended:** F. Jan. 12, 2005; eff. Feb. 1, 2005.

### Exhibit A: STANDARDS OF CARE: Birth to 12 Months of Age

	Developmental Characteristics	Goals-Brain Development	Suggested Activities/Materials
<b>Cognitive</b>	Children learn through 5 senses, actively use hands to explore environment, infants will actively explore their environment when they feel secure, develop object permanence (knows objects exist out of sight and will search for them), begin to be aware of cause-effect relationships.	Children learn cause-effect relationships. Use of positive responses by adults when infants seek out and perform new skill will help infants gain self-confidence in their ability to learn. Children realize that out of sight objects exist.	Caregivers should provide times for children to play with toys and rattles, play peek-a-boo and hide and seek, and play on the floor. Musical toys, classical music, books, squeeze toys and rattles that have sound and visual effects with a variety of textures are examples of suggested materials.
<b>Social/Emotional</b>	Children develop attachments, trust, learn to smile socially, recognize familiar people and their own self in mirrors. Children will explore their environment in the presence of caregivers.	Children become socially competent individuals. When a child's needs are met consistently, trust, love, and security develops. Children develop and maintain a trusting relationship with the same primary caregivers.	Caregivers should hug, cuddle and rock children often, especially to soothe and calm a fussy baby. Caregivers should refer to children by their name, and talk to them often. Voice tone and volume should be nurturing and encouraging. Mirrors, washable stuffed animals, soft dolls, and puppets should be available for the children.
<b>Communication</b>	Children communicate through crying, coos, gurgles, babbles, squeals, laughs, facial expressions, and respond to human voices. Infants will imitate the sounds of others.	Children develop a self confidence as they learn to communicate their needs. Two-way communication teaches children that words have meaning and people will respond to their sounds.	Caregivers should talk, sing, read, name objects on a daily basis. Cardboard picture books, variety of musical tapes, and puppets are example of suggested materials.
<b>Physical</b>	Children have innate reflexes (sucking, grasping), progress from lying on stomach with head raised to sitting alone, develop pincer grasp, reach, learn to transfer things from one hand to the other, learn to crawl, scoot and/or walk.	Children become aware of their own bodies in the environment and develop fine and gross motor skills.	Caregivers should encourage and facilitate fine and gross motor skills. Grasping toys, rattles, teething rings, play gyms, vinyl mats, push and pull toys, and riding equipment are examples of suggested materials.
<b>Self-Help</b>	Children's needs are met by caregivers. Begin to encourage older infants to feed themselves and drink from a cup.	Children develop trust and security as needs are met on a regular basis. Older infants develop self-esteem and independence.	Caregivers should meet the needs (feeding, diapering, sleeping, and nurturing) of individual infants on a consistent basis. Provide finger foods and cups with tops to encourage self-feeding when age appropriate.

**Environment:** The infant room should contain 4 basic areas; a sleeping area with cribs labeled for each child, a diaper changing area, an eating area with a place for younger infants to be held and infants to sit, and a play area with materials/activities listed above to meet the needs of infants at many different stages of development. Infants should be taken outside on a daily basis weather permitting and according to the parent's instructions. The outdoor environment should include areas of shade and sun, grass, concrete, and resilient ground cover, and may include a garden. In addition to the materials listed above, infant swings, low/soft climbing structures, and a play area with toys can be included. All activities and settings in the child care center will operate under strict supervision to ensure the safety of the children and in accordance with licensing rules and regulations. Individual attention and responsive caregiving by the same individual are critical to future development.

## Exhibit B: STANDARDS OF CARE: 12 to 24 Months of Age

	Developmental Characteristics	Goals-Brain Development	Suggested Activities/Materials
<b>Cognitive</b>	Children can follow simple directions, name familiar objects, understand relationships between objects, clearly see cause-effect relationships, and have increasing desire to explore and experiment.	Children's explorations become increasingly purposeful to find meaning in events, objects, and words as they attempt to discover how the world works. They begin to understand the concept of parts and wholes.	Caregivers should allow children to explore the environment while supervising and encouraging their play. Books, classical music, pattern making materials, matching manipulatives, interlocking toys that can be taken apart and put back together are example of materials. Introduce sand and water play and other sensory activities. Provide multiples of popular toys and materials so children will not have to wait.
<b>Social/Emotional</b>	Children experience stranger anxiety, look for caregivers response in uncertain situations, express affection for others, imitate others behavior, engage more in parallel play and simple interaction with others, test limits, strive for independence, and are egocentric.	Children develop identity and sense of self. They also realize they are separate individuals from caregivers and environment.	Caregivers should nurture children throughout the day both verbally and non-verbally. Caregivers should allow time for dramatic play. Examples of materials include books, play kitchen set, pots, pans, doll clothes, doll carriage, bottles, hats, dress-up clothes, and a full-length mirror.
<b>Communication</b>	Children progress from saying first words to speaking in simple sentences. They also point to and name objects, play with sounds, ask questions, imitate others' speech, and by 24 months have vocabulary of 24-50 words.	Children learn to communicate their needs, learn that words have meaning and power, learn the importance of written words, and develop a vocabulary.	Caregivers should expand on children's words, maintain eye contact, read, sing, and use gestures as well as words to communicate. Books, nursery rhymes, records, tapes, puppets, and flannel board stories are examples of suggested materials.
<b>Physical</b>	Children walk backwards, run, dance, turn the pages of a book one at a time, build block towers, push, pull, throw, empty, fill, open, shut, squeeze, poke, and drop toys.	Children are learning as they discover through physical development. Self confidence develops as motor skills become better. Children enjoy repetition, such as dumping and filling. Eye-hand coordination is developing.	Caregivers should allow time for children to walk, climb, run, jump, dance, etc., and play with manipulatives that will enhance fine motor skills. Examples of materials include books, puzzles, blocks, stacking cubes and containers, nesting cups, lacing and stringing materials, musical instruments, wagons, push and pull toys, balls, finger paint, large markers, crayons, and paint brushes.
<b>Self-Help</b>	Children are still working on feeding themselves with a fork and spoon and drinking from a cup. They can finger feed with ease.	Children develop self-esteem, independence, and a positive attitude on feeding themselves, as well as fine motor skills.	Caregivers should allow children to feed themselves and select foods, and should sit with children during meals and encourage conversation. Provide child size eating utensils and cups with lids.

Environment: The set-up rooms should be arranged so caregivers see all parts of the rooms. The toddler classroom should contain a sleeping area (older toddlers may use mats), a diapering area as well as a bathroom for children, an eating area, and a play area. The play area should be divided into basic areas such as books, manipulatives/blocks, dramatic play, gross motor, and art. Materials and equipment should be accessible to children as appropriate. The outdoor environment should include areas of shade and sun, grass, concrete, and resilient ground cover, and may include a garden. In addition to materials listed above, infant swings, low climbing structures, and a sand box with toys can be included. All activities and settings in the child care center will operate under strict supervision to ensure the safety of the children and in accordance with child care licensing rules and regulations. Individual attention and responsive caregiving by the same individual are critical to future development.



## Exhibit D: STANDARDS OF CARE: 36 to 48 Months of Age

	Developmental Characteristics	Goals-Brain Development	Suggested Activities/Materials
<b>Cognitive</b>	Children have short attention spans (10 minutes), cannot deal with abstract ideas, are curious, inquisitive, and egocentric, are aware of past and future, enjoy stories, singing, numbers, quantity, and art activities, are beginning to mentally represent objects.	Children are able to symbolically represent objects, they focus on one aspect of a situation, and reason from particular to particular.	Caregivers should provide opportunities for children to sort and classify objects. Books, construction materials, pattern making manipulatives, puzzles, musical instruments, music, and simple games are examples of suggested materials.
<b>Social/Emotional</b>	Children have difficulty sharing and taking turns, are beginning to show self-control, need help resolving conflicts, express sympathy, enjoy humor, begin to get bossy but also learn to play cooperatively, want to please adults, show aggression, and love living things.	Children's peers become increasingly important, and they need to develop a positive self-concept.	Caregivers should support children's self-concept and positive self-esteem and help them develop a sense of self. They should also provide opportunities for children to play and work together. Caregivers should allow children to make choices on activities. Activities should be provided that allow children to negotiate social conflicts (dramatic play, blocks, books).
<b>Communication</b>	Children state 3-4 word sentences, can follow 2-3 simple directions at a time, can give simple account of their day/experiences, can say own name, begins to use plurals, have difficulty taking turns in conversation, and enjoy finger plays, rhymes, and songs with repetition.	Children develop the ability to think out loud and talk themselves through situations. They can represent their thoughts and feelings verbally.	Caregivers should converse with children frequently, listen carefully to them, read to and sing daily, and provide a variety of settings for language use. Caregivers should bend, kneel, or sit down to establish eye contact when talking with children. Caregivers should allow children to make choices on activities. Dramatic play themes, book corners, and writing utensils and paper placed throughout the room, stamps and stamp pads, puzzles, magazines, and chalk boards are examples of some activities.
<b>Physical</b>	Children are continually improving coordination, run at an even pace, turn and stop well, swing without being pushed, ride a tricycle, beginning to balance on a beam and stand on one foot. Children can also build block towers, string beads, pour liquid, draw shapes and objects, and hold writing instruments with fingers.	Children continue to perfect fine and gross motor skills and develop competence and confidence in their abilities.	Caregivers should provide equipment that varies in skills level, prepare open ended activities with ample time for children to work, Caregivers should also offer encouragement to children. Caregivers should allow children to make choices on activities. Activities and materials include drawing, painting legos, clay, peg and peg boards, scissors and paper, tricycles, tires, hoops, balance beam, parachute, ring toss, hollow blocks, nature walks, and music for dancing.
<b>Self-Help</b>	Children can button and unbutton, zip and unzip, set the table and serve themselves.	Children develop self confidence as they are able to do things for themselves.	Caregivers should allow children to help set the table and serve themselves and should sit with children during meals and encourage conversation. Provide child size bowls, pitchers and serving pieces.

**Environment:** The set-up rooms should be arranged so caregivers see all parts of the rooms. The classroom should contain a bathroom for children, tables for eating, and work areas divided into the following centers: art, blocks, books, manipulatives, science, sand, water, music, dramatic play, large motor, and writing. Materials and equipment should be on the children's developmental level. The outdoor area should have areas of shade and sun, grass, concrete, and resilient ground cover, and may include a garden. In addition to materials listed above, swings, low climbing structures, playhouse, slide, riding toys, and a sand box with toys can be included. All activities and settings in the child care center will operate under strict supervision to ensure the safety of the children and in accordance with child care licensing rules and regulations. Individual attention and responsive caregiving by the same individual are critical to future development.

## Exhibit C: STANDARDS OF CARE: 24 to 36 Months of Age

	Developmental Characteristics	Goals-Brain Development	Suggested Activities/Materials
<b>Cognitive</b>	Children respond to simple directions, begin to imitate adults, have a limited attention span, begin to sequence and match objects, identify objects and ask questions.	Children develop reasoning and problem solving skills. Children begin to think for themselves, problems begin to be worked out mentally rather than by use of trial and error, creativity and logical thinking are expanded.	Caregivers should let children attempt to work out problems on their own, create, and explore. Suggested materials include books, large pegs to group, sort and stack, large crayons, markers, paints, paint brushes, paper, and classical music.
<b>Social/Emotional</b>	Children are protective of their possessions, want to be independent, are self-centered, they play near and watch other children, occasionally joining in play with others, and they begin to engage in imaginative and dramatic play. They say no often.	Children develop social skills (getting along with others).	Caregivers should encourage cooperative and individual learning opportunities (sharing and taking turns) as well as creative expression. (But caregivers should understand that Twos do not do this well). Provide opportunities for dramatic play with simple themes and props such as a doctor's office or restaurant. Caregivers should allow children to make choices on activities. Multiples of some popular toys and materials should be available.
<b>Communication</b>	Children should engage and be encouraged to begin to use language more in play, ask names of things, make negative statements, and increase their vocabulary.	Children develop fine motor skills and reading readiness skills (turning pages left to right). Vocabulary, memory, and speech are increased by labeling items in books and asking questions.	Caregivers should talk clearly to children using simple positive statements and allow children to respond back (two-way communication), expose children to the written word throughout a variety of literacy-based materials, and sing throughout the day. Caregivers should allow children to make choices on activities. Caregivers should bend, kneel or sit down to establish eye contact when talking with children. Examples of materials include picture books and short story books with repetition and rhymes, poems, and finger plays. Reading area should be cozy and inviting for children and include pillows, puppets, stuffed animals, flannel board, etc. Materials, equipment, and real objects should be labeled.
<b>Physical</b>	Children of this age walk upstairs 2 feet on a step, sit on riding toys and push with feet, hop in place and jump from low heights, climb, run, throw objects using forearms, and are increasing fine motor development.	Children develop eye-hand coordination, prewriting skills, large muscle skills, and strengthen fine motor skills and increase gross motor skills.	Caregivers should allow children to run, throw, catch, jump, climb, ride on riding toys and make choices on activities. Low climbing structures, riding toys, balls, modeling clay, blocks, puzzles, and books are examples of suggested materials.
<b>Self-Help</b>	Children can feed themselves, wash and dry their hands with assistance, and are beginning to be or are toilet trained.	Children develop positive self-esteem, independence, fine motor skills, and one-to-one correspondence. Children also learn to count objects and follow simple directions (cognitive).	Caregivers should allow children to serve themselves and help set the table, and should sit with children during meals and encourage conversation. Provide soap and paper towels for children, as well as child-sized utensils.

Environment: The set-up of the rooms should be arranged so caregivers see all parts of the rooms. The classroom for this age group should contain a diapering area and a bathroom for the children, an eating area, and a play area divided into centers such as books, manipulatives, sand and water, blocks, dramatic play, large motor, music, and art. Materials and equipment should be on the children's developmental levels. The outdoor area should have areas of shade and sun, grass, concrete, and resilient ground cover, and may include a garden. In addition to the materials listed above, swings, low climbing structures, playhouse, and a sand box with toys can be included. All activities and settings in the child care center will operate under strict supervision to ensure the safety of the children and in accordance with licensing rules and regulations. Individual attention and responsive caregiving by the same individual are critical to future development.

### **591-1-1-.35 Swimming Pools and Water-related Activities.**

(1) Local Approval. When permanent swimming or wading pools are located on the center premises, applicable local regulations regarding the design, construction, operation and maintenance shall be followed.

(2) Accessibility of Pools. All swimming and wading pools shall be inaccessible to children except during supervised activities.

(3) Supervision of Children in Water Over Two (2) Feet Deep. For water-related activity (such as swimming, fishing, boating or wading) in water over two (2) feet deep, continuous supervision of children must be provided as follows:

<u>Ages of Children</u>	<u>Staff:Child Ratio*</u>
Under two and one-half (2 1/2) yrs.	1:2
Two and one-half (2 1/2) to four (4) yrs.	1:5
Four (4) yrs. and older who cannot swim a distance of fifteen (15) yards unassisted **	1:6
Four (4) yrs. and older who can swim a distance of fifteen (15) yards unassisted **	1:15

\* At least one person must have current evidence of having completed successfully a training program in lifeguarding offered by a water-safety instructor certified by the American Red Cross or YMCA or YWCA or other recognized standard-setting agency for water safety instruction. Such person may be a center staff member or an employee of a water facility (e.g., local swimming pool).

\*\* In lieu of requiring each child to take a swimming test to determine whether the child can swim a distance of fifteen (15) yards unassisted, center staff may accept copies of certificates or cards from a recognized water-safety instruction organization showing that the child has successfully completed a swimming class which required the child to swim a distance of fifteen (15) yards unassisted.

(4) Supervision of Children in Water Less than Two (2) Feet Deep. For water-related activity (such as swimming, fishing, boating or wading) in water less than two (2) feet deep (such as a wading pool), continuous supervision must be provided in accordance with normal staff:child ratios which are as follows:

<u>Ages of Children</u>	<u>Staff:Child Ratio</u>
Infants less than one (1) year old or children under eighteen (18) months who are not walking	1:6
One (1) year olds who are walking	1:8
Two (2) year olds	1:10
Three (3) year olds	1:15

Four (4) year olds 1:18

Five (5) year olds 1:20

Six (6) years and older 1:25

(5) Additional Supervision. At least one (1) additional staff member above the required staff:child ratios for any water-related activity (such as swimming, fishing, boating, or wading) shall be available to rotate among the age groups as needed when any of the following circumstances are present:

(a) the majority of the children in a group are not accustomed to or are afraid of the water;

(b) the majority of the children in a group comprised of children who cannot swim a distance of 15 yards unassisted cannot touch the bottom of the water facility without submerging their heads;

(c) the water facility is particularly crowded;

(d) the children have special needs which impact on their ability to participate safely in the water-related activity.

(6) Parental Permission. No child shall participate in a swimming activity without the parents' written permission.

(7) Use of Wading Pools. Wading pools shall be cleaned and filled with clean water for each day's usage and emptied when not in use.

Authority O.C.G.A. Sec. 20-1A-1. **History.** Original Rule entitled "Swimming Pools and Water-related Activities" adopted. F. Dec. 23, 1997; eff. Mar. 1, 1998, as specified by the Agency.

### **591-1-1-.36 Transportation.**

(1) Required Transportation. A center shall have available at all times a licensed driver and a vehicle that meets the safety requirement contained in these rules or must have a plan approved by the Department for alternative emergency transportation. Children shall not be transported in vehicles, or parts thereof, which are not designed for the purpose of transporting people, such as but not limited to truck beds, campers or any trailers attachment to a motor vehicle.

(2) Vehicle Safety. Vehicles used for transporting children shall be maintained as follows:

(a) Annual Safety Check. Each vehicle shall have a satisfactory annual safety check of: tires, headlights, horn, taillights, brakes, suspension, exhaust system, steering, windshields and windshield wipers. A copy of a standard inspection report used by the Department or an equivalent shall be kept in the center or the vehicle.

(b) Interior. Interior of a transportation vehicle must be clean and in safe repair and free of hazardous objects or other non-essential items which could impede the children's access or egress from the vehicle or cause injury if the items were thrown about the vehicle as a result of a collision.

(c) Fire Extinguisher. Each vehicle shall be equipped with a fire extinguisher inaccessible to children.

(d) Heater. Each vehicle must have a functioning heating system.

(e) Seats. Seats must be securely fastened to the body of the vehicle.

(f) Child Passenger Restraints

1. All children transported in a vehicle provided by or used by the center shall be secured in a child passenger restraining system or seat safety belt in accordance with state and federal laws and regulations. The child passenger restraining system and seat safety belts must be installed and used in accordance with the manufacturer's directions for such system and used in accordance with the manufacturer's directions with respect to restraining, seating or positioning the child being transported in the vehicle.

2. No vehicle used by the center in transporting children shall exceed the manufacturer's rated seating capacity for the vehicle. The center shall maintain on file proof of the manufacturer's rated seating capacity for each vehicle the center uses.

(g) Front Seat. There shall be no more than three (3) persons in the front seat of a transporting vehicle including the driver. Centers must follow applicable state and federal laws and regulations and the vehicle manufacturer's recommendations when allowing children to sit in the front seat.

(h) Windows. No window, except the driver's, in a transporting vehicle shall be opened to more than fifty percent (50%) of its capacity at anytime children are on board.

### (3) Staffing Requirements for Transportation of Children

(a) Driver. Whenever the center transports children for any reason, the driver of the vehicle shall be at least eighteen (18) years of age and possess a valid driver's license as required for the class of vehicle that the driver will be operating for the center.

(b) Additional Staff. When transporting children, the following supervision must be maintained:

Driver + One (1) Staff Member [The additional staff must be at least eighteen (18) years of age or older]	When transporting three (3) or more children under three years of age;  When seven (7) or more children under five (5) years of age occupy vehicle; When eighteen (18) or more children five (5) years of age or older occupy the vehicle.
Driver + Two (2) Staff Members [One (1) of the additional staff must be at least eighteen (18) years of age or older]	When eight (8) or more children under three (3) years of age occupy the vehicle with other children;  When more than twenty (20) children under five years of age occupy the vehicle with other children.

(c) CPR and First Aid Training. Either the driver or another staff person present on the vehicle must have current evidence of successful completion of a biennial training program in cardiopulmonary resuscitation (CPR) and a triennial training program in first aid offered by certified or licensed health care professionals and which dealt with the provision of emergency care to infants and children.

### (4) Staffing Requirements When Transporting More Than Thirty-six (36) Children.

(a) When more than thirty-six (36) children under the age of five (5) occupy the vehicle, the regular staff:child ratios contained in rule .32(1) shall be met.

(b) When more than thirty-six (36) children five (5) years and older are transported with no children under the age of five (5), there must be one staff for each additional twenty children. This means a third staff member would be required if transporting thirty-seven (37) to fifty-six (56) children five (5) years and older.

(5) Parental Authorization. If the center is to provide routine transportation to or from school, home or center, the child's parents must authorize the transportation and specify routine pick-up location, routine pick-up time, routine delivery location, routine delivery time and the name of any person authorized to receive the child.

(6) Transportation Plan. When a center transports children either directly or by contract, it must implement the following requirements:

(a) Center and Passenger Information. Each vehicle used to transport children shall contain current information of the names of all children and each child's pick-up location,

pick-up time, delivery location, alternate delivery location if parent is not at home and name of person to receive the child. In addition, the vehicle shall contain current information identifying the center's name, driver and telephone number.

(b) Emergency Medical Information. An emergency medical information record must be maintained in the vehicle on each child being transported by the center. The emergency medical information care for each child shall include a listing of the child's allergies, special medical needs and conditions, current prescribed medications that the child is required to take on a daily basis for a chronic condition, the name and phone number of the child's doctor, the local medical facility that the center uses in the area where the center is located and the telephone numbers where the parents can be reached.

(c) Passenger Checklists. A signed checklist to account for the loading and unloading of children must be used. When transporting children to the center, the checklist must be turned over to the person in charge of the center upon arrival. Following delivery of children from the center, the checklist shall be turned over to the person in charge of the center by the next day. Transportation checklists shall be maintained as center records for one (1) year.

(d) Checking for Children. At the completion of every trip, a vehicle must be checked to assure that no child is left on the vehicle. When a child is determined to be missing after a trip, immediate action to locate the child must be taken.

(e) Travel Restriction. Unless accompanied by his parent, no child shall be required to travel more than forty-five (45) minutes on each trip between the child care learning center and destination point, excluding field trips.

(f) The center is responsible for the child from the time and place the child is picked up until the child is delivered to his or her parents or the responsible person designated by his parents. A child shall not be dropped off at any location if there is no one to receive the child.

(g) A child shall never be left unattended in a vehicle.

(7) Operating Requirements. The motor shall be turned off, the brake set and the keys removed whenever the driver leaves the vehicle. Transporting vehicles shall be parked or stopped so that no child will have to cross the street in order to meet the vehicle or arrive at a destination.

Authority O.C.G.A. Sec. 20-1A-1 et seq. **History.** Original Rule entitled "Transportation" adopted. F. Dec. 23, 1997; eff. Mar. 1, 1998, as specified by the Agency. **Amended:** F. Jan. 12, 2005; eff. Feb. 1, 2005. **Repealed:** New Rule of same title adopted. F. Aug. 7, 2009; eff. Aug. 27, 2009.

### **591-1-1-.37 Inspections and Investigations.**

The Department is authorized and empowered to conduct on-site inspections and investigations of centers.

(a) Conduct of Inspections and Investigations. The Department may conduct inspections and investigations in the following instances:

1. At regular intervals as the Department may determine or at the expiration of the current license;
2. Upon receiving a report alleging child abuse, neglect or deprivation which occurred while the child was in the care of the center director or employees;
3. Upon receiving a complaint concerning the center which could endanger the health, safety or welfare of the children in care;
4. Upon receipt and review of a request for an amended license where the Department determines that an on-site inspection is advisable;
5. Upon the Department or its duly authorized representative being made aware of any flagrant abuses, derelictions or deficiencies during the course of the inspection or at any other time. The Department shall immediately investigate such matters and may make an on-site inspection so as to take such actions as conditions may require;
6. Subsequent to the receipt of a plan of correction, as determined necessary by the Department to monitor whether the plan of correction is being complied with by the center personnel.

(b) Consent to Entry. An application for a license to operate a center or issuance of a license by the Department constitutes consent by the applicant, the proposed holder of the license and the owner of the premises for the Department's representative after displaying identification to any center staff to enter the premises at any time during operating hours for the purpose of inspecting the facility, including both scheduled and unscheduled inspections and includes consent for meaningful access to all staff, parts of the premises, all children present and all records required by these rules. The Department shall have the right to photocopy or reproduce by any means any record required by these rules to be maintained and as needed for any inspection or investigation.

(c) Failure to Allow Access. Failure to allow access of the Department's representative to the center, center staff, the children receiving care at the center or the records required by these rules or failure to cooperate with a Department inspection or investigation shall constitute good cause for the denial, restriction, revocation or suspension of a license or commission.



Authority O.C.G.A. Sec. 20-1A-1. **History.** Original Rule entitled "Inspections and Investigations" adopted. F. Dec. 23, 1997; eff. Mar. 1, 1998, as specified by the Agency. **Amended:** F. Jan. 12, 2005; eff. Feb. 1, 2005.

### **591-1-1-.38 Enforcement and Penalties.**

No child care learning center shall operate in the state without a license. A license to operate a center may be denied, revoked, restricted or suspended in accordance with the following:

(a) **Refusal of a License.** The Department shall refuse to issue any license upon a showing of:

1. Noncompliance with these rules which are designated in writing to the center as being related to children's health and safety; or
2. Flagrant and continued operation of an unlicensed facility in contravention of the law; or
3. Prior license denial or revocation within one (1) year of application.

(b) **Refusal of a License.** The Department may refuse to issue a license upon a showing of:

1. The applicant or the agent of the applicant denies the representative access to the center for the purposes of determining whether a license will be granted; or
2. The director or employees of the center do not undergo the applicable records check and receive satisfactory determinations; or
3. The applicant or agent of the applicant knowingly makes any false statement of material information in connection with the application for licensure, or in the alteration or falsification of records maintained by the applicant or the agent of the applicant in connection with the application for licensure; or
4. The applicant or alter ego of the applicant or agent of the applicant has transferred ownership or governing authority of a center within one (1) year of the date of the new application when such transfer was made in order to avert denial, suspension, or revocation of a license; or
5. The applicant or alter ego of the applicant or persons in management or control of the center have failed to pay a civil penalty or enforcement fine previously imposed by the Department.

(c) **Revocation of a License.** The Department may revoke any license in the following instances:

1. Where the Department's representative is refused access to the center for the purpose of determining whether the center is in compliance with these rules; or
2. Where the Department determines that a non-correctable deficiency exists in the operation or management of the center; or

3. Where the Department determines that a correctable abuse, dereliction or deficiency in the operation or management of the center has not been corrected within a reasonable time after:

(i) having been brought immediately to the attention of the director of the center by Department representative;

(ii) having been advised in writing of the deficiencies and setting a time not to exceed ten (10) working days for the filing of an acceptable plan of correction; and

(I) the licensee fails to submit an acceptable plan of correction to the Department within the specified time limits (in determining whether a plan of correction is acceptable, the Department will consider the extent of the deficiencies, the history of compliance including whether the licensee has sustained compliance with previous plans of correction and whether the correction required can be maintained over time); or

(II) the licensee fails to follow the accepted plan of correction; or

4. Where the director or employees of a center do not undergo the applicable records checks and receive satisfactory determinations; or

5. Where there is a flagrant abuse, dereliction or deficiency that constitutes shocking intentional misconduct; or

6. Where the licensee knowingly makes any false statement of material information in connection with any statement made or on any documents submitted to the Department as part of an inspection, survey, or investigation, or in the alteration or falsification of records maintained by the licensee; or

7. Where the licensee fails to pay a civil penalty or enforcement fine imposed by the Department after the time period for requesting an appeal of the notice of imposition of civil penalty or enforcement fine has expired and the licensee has not submitted an appeal within required time frame in accordance with these rules and regulations; or

8. Where the licensee fails to pay a civil penalty or enforcement fine imposed by the Department after the licensee has submitted a timely appeal of the notice of imposition of civil penalty or enforcement fine and the imposition of the civil penalty or enforcement fine has been affirmed in accordance with the Georgia Administrative Procedure Act, O.C.G.A. Sec. 50-13-1 et seq., and applicable law.

(d) **Suspension of a License.** The Department may suspend the license to operate a center:

1. Where the director or employees of a center do not undergo the applicable records checks and receive satisfactory determinations; or

2. Where the Department finds that the public health, safety or welfare imperatively requires emergency action and incorporates a finding to that effect in its order summarily suspending the license pending proceedings for revocation or other action which proceedings shall be promptly instituted and determined.

(e) **Restriction of a License.** The Department may restrict or limit the holder of a regular, restricted or temporary license from providing certain kinds of care or services to children or limiting the number and/or age of the children who may be served if the Department determines that the holder of the license either cannot comply with these rules or has not complied with these rules.

(f) **Enforcement Fines.** The Department may assess an enforcement fine of up to five hundred dollars (\$500) per day for each rule violation, not to exceed a total of twenty-five thousand dollars (\$25,000). The Department may assess enforcement fines in accordance with the following:

1. A fine, not exceeding five hundred dollars (\$500) per day for each rule violation, may be assessed against any licensee who

(i) Violates any licensing provision of O.C.G.A. Sec. 20-1A-1 et seq. or any rule, regulation or order issued under O.C.G.A. Sec. 20-1A-1 et seq. or any term, condition or limitation of any license, commission or registration certificate under O.C.G.A. Sec. 20-1A-1 et seq. thereby subjecting a child in care to injury or a life-threatening situation;

(ii) Commits any violation for which a license or commission may be revoked.

2. If any violation is a continuing one, each day of such violation will constitute a separate violation for the purpose of computing the applicable enforcement fine.

3. Whenever the Department proposes to subject a licensee to the imposition of an enforcement fine, it shall notify such licensee in writing. The notice shall set forth the following:

(i) the date, facts and nature of each act or omission with which the licensee is charged;

(ii) the specific and particular provisions of the Official Code of Georgia Annotated section, the rule, regulation, order, license or commission certificate involved in the violation;

(iii) each fine which the Department proposes to impose and its amount;

(iv) that the licensee has an opportunity to show in writing, within ten (10) days of the receipt of the notice, why such fine should not be imposed;

(v) that the failure to pay the enforcement fine, subsequently determined by the department, if any, may result in collection through a civil action (lawsuit);

(vi) that the licensee also has the right to appeal the imposition of the enforcement fine pursuant to the Georgia Administrative Procedure Act, O.C.G.A. Sec. 50-13-1 et seq. by filing a timely request for a hearing within ten (10) days of receipt of the notice.

4. The written notice of the intention to impose an enforcement fine shall be sent by registered or certified mail by the Department to the last known address of such licensee.

5. The amount of the enforcement fine will be assessed in accordance with the following:

(i) a fine of five hundred dollars (\$500) per day for each rule violation may be assessed for any violation of these rules which has resulted in a disabling or permanent injury or the death of a child;

(ii) a fine ranging from three hundred dollars (\$300) to four hundred ninety-nine dollars (\$499) per day for each rule violation may be assessed for any violation of these rules which has resulted in an injury or harm to a child but has left no disabling or permanent physical damage;

(iii) a fine ranging from fifty dollars (\$50) to two hundred ninety-nine dollars (\$299) per day for each rule violation may be assessed for any violation of these rules which demonstrates a reckless and serious disregard for the physical or mental health or safety of a child in care but which may or may not result in physical injury to a child or for any other violation of these rules for which a license may be revoked.

6. The Department will consider in assessing an enforcement fine the severity of the rule violation, the duration of non-compliance, the licensee's prior licensure or history and the voluntary reporting of the violation for which the fine is being imposed on the licensee or the commission holder.

7. The assessment of an enforcement fine will not preclude the Department from taking any additional actions authorized by law or regulation including, but not limited to, license restriction, suspension, revocation or the seeking of an injunction against the continued operation of the center.

(g) **Right to a Hearing.** The Department's enforcement actions shall be preceded by a notice and opportunity for a hearing and shall constitute a contested case in accordance with the Georgia Administrative Procedure Act, O.C.G.A. § 50-13-1 et seq., except that only thirty (30) days' notice in writing from the Commissioner's designee shall be required prior to license or commission revocation and except that the hearing held relating to such action by the Department may be closed to the public if the hearing officer determines that an open hearing would be detrimental to the physical or mental health of any child who will testify at that hearing.

1. In connection with the Department instituting proceedings to revoke, suspend, refuse to renew or restrict a previously issued license or commission, the Department shall provide notice sent by certified mail setting forth the facts or conduct which has warranted the Department's action. The notice shall inform the center of the opportunity to demonstrate that the licensee was in full compliance with all lawful requirements for the retention of the license or commission at the time that the facts or conduct warranting the revocation, suspension or restriction action allegedly occurred. However, this notice shall not be required in the following instances:

(i) The Department finds that the public health, safety, or welfare imperatively requires emergency action and incorporates a finding to that effect in its order, in which case summary suspension of the license or commission may be ordered pending proceedings for revocation or suspension or other action, which proceeding shall be promptly instituted and determined; or

(ii) The Department's order is expressly required, by a judgment or a statute, to be made without the right to or hearing or continuance of any type.

2. The notice of revocation, suspension or restriction of a license or commission becomes effective thirty (30) days from the day of notice unless the licensee requests a hearing. A request for a hearing must be made in writing within ten (10) days of receipt of the notice of revocation, suspension or restriction.

(h) **Notice of Hearing.** If the licensee requests a hearing, a notice of hearing shall be mailed or served personally on the center. The notice shall contain the following:

1. A statement of the date, time, place and nature of the hearing;
2. A statement of the legal authority and jurisdiction under which the hearing is to be held;
3. A reference to the particular section of the statutes and rules involved;
4. A short and plain statement of the matters asserted. The Department may refer to any child that is the subject of a deficiency or violation in the notice by the child's initials. The name of the child so referenced will be released orally to the holder of the license, commission or registration upon written request to the Department. If the Department is unable to state the matters in detail at the time, the notice may be limited to a statement of the issues involved. Thereafter, upon application approved by the hearing officer, a more definite and detailed statement shall be furnished; and
5. A statement as to the right of any party to subpoena witnesses and documentary evidence through the Department.

(i) **Injunctive Relief.** The Department may, without regard to the availability of other remedies, including administrative remedies, seek an injunction against the continued operation of a center without a license or the continued operation of a center in willful violation of O.C.G.A. Sec. 20-1A-1 et seq. or of any regulation of the Department or in violation of any other order of the board or of the Department.

(j) **Inspection Warrants.** If a Department representative is denied entrance to a child care learning center which is believed to be subject to licensure, an application for an inspection warrant may be made by the Department to a court of competent jurisdiction and, if granted, used to gain entry to that child care learning center.

(k) **Emergency Order.** Notwithstanding other remedies available to the Department which may be pursued at the same time, the Commissioner or his/her designee may order the emergency placement of a monitor or monitors in a child care learning center in accordance with the following:

1. The Department's rules and regulations are being violated which threaten the health, safety, or welfare of children in care and when one or more of the following conditions are present:

- (i) The child care learning center is operating without a license or commission; or

(ii) The Department has denied the license or commission or has initiated action to revoke the existing license or commission of the center; or

(iii) Children are suspected of being subjected to injury or life-threatening situations or the health or safety of a child or children is in danger.

2. A monitor may be placed in a child care learning center for no more than ten (10) consecutive calendar days, during which time the monitor shall observe conditions and regulatory compliance with any recommended remedial action of the department. Upon expiration of the ten (10) day period, should conditions warrant, the initial ten (10) day period may be extended for an additional ten (10) day period. The monitor shall report to the Department. The monitor shall not assume any administrative responsibility within the center, nor shall the monitor be liable for any actions of the center. The salary and related costs and travel and subsistence allowance as defined by Department policy of placing a monitor in a child care learning center shall be reimbursed to the Department by the center, unless the order placing the monitor is determined to be invalid in a contested case or by final adjudication by a court of competent jurisdiction, in which event the costs associated with the monitor shall be paid by the Department.

3. The emergency order shall contain the following:

(i) The scope of the order;

(ii) The reasons for the issuance of the order;

(iii) The effective date of the order if other than the date the order is issued;

(iv) The person to whom questions regarding the order are to be addressed; and

(v) Notice of the right to a preliminary hearing.

4. Unless otherwise provided in the order, an emergency order shall become effective upon its service to the owner of the child care learning center or any other agent, employee, or person in charge of the center at the time of the service of the order.

5. The request for a preliminary hearing shall be made in writing within five (5) days from the time of service, excepting weekends. The request must be made to the representative of the Department designated in the order. Unless a request is made to appear in person, the preliminary hearing shall consist of an administrative review of the record, written evidence submitted by the child care learning center affected, and a preliminary written argument in support of its contentions.

6. If a request is made to appear in person at the preliminary hearing, the child care learning center shall provide the name and address of the person or persons, if any, who will be representing the center in the preliminary hearing.

7. Upon receipt of a request for a preliminary hearing, the Department shall set and give notice of the date, time and location of the preliminary hearing. The preliminary hearing shall be held as soon as possible after a request therefore but in no event later than seventy-two (72) hours after such request, provided that a child care learning center may

request that such hearing be held earlier; provided, however, that in no\_event will a hearing be held on a weekend or holiday.

8. If a personal appearance is requested, the preliminary hearing shall consist of a review of the evidence in the record, any additional evidence introduced at the hearing, and any arguments made. A recording shall be made of the hearing.

9. The Department shall, where practicable, issue an immediate oral order and shall, in all instances, issue a written order within four (4) business days after the close of the hearing.

10. Pending final appeal of the validity of any emergency order issued as provided for pursuant to O.C.G.A. Sec. 20-1A-13, such emergency order shall remain in full effect until vacated or rescinded by the Commissioner or his/her designee.

11. The Department is not precluded from taking any other actions permitted by other laws or regulations during the time that an emergency order is in force.

(l) **Criminal Penalties.** The criminal penalties which may be imposed for violation of these rules are as follows:

1. Any person who violates the provisions of O.C.G.A. Sec. 20-1A-1 et seq. or who hinders, obstructs, or otherwise interferes with any representative of the Department in the discharge of that person's official duties in making inspections or in investigating complaints shall be guilty of a misdemeanor.

2. Any person who shall make, utter, execute, or submit to the Department any oral or written representation, knowing the same to be false, for the purpose of obtaining anything of value, including any service, shall be guilty of a misdemeanor.

3. Any child care learning center which operates without a currently valid license or commission issued by the Department is subject to the provisions O.C.G.A. Sec. 20-1A-10(t) which provides upon conviction of operating a child care learning center without a license or commission, for a fine of not less than fifty dollars (\$50) nor more than two hundred dollars (\$200) for each offense. Each day of operation without a license or commission constitutes a separate criminal offense.

(m) **Complaints.** All complaints concerning licensed or commissioned or unlicensed child care learning centers may be submitted to the Department by telephone, letter, e-mail, facsimile, or personal conference. Complaints will be investigated by a Department representative, if appropriate. A written report of the findings of the investigation will be sent to the complainant upon request where authorized by law.

Authority O.C.G.A. Sec. 20-1A-1 et seq. **History.** Original Rule entitled "Enforcement and Penalties" adopted. F. Dec. 23, 1997; eff. Mar. 1, 1998, as specified by the Agency. **Amended:** F. Jan. 12, 2005; eff. Feb. 1, 2005. **Repealed:** New Rule of same title adopted. F. Dec. 2, 2009; eff. Dec. 22, 2009.



#### **591-1-1-.40 Severability.**

In the event that any rule, sentence, clause or phrase of any of these rules and regulations may be construed by a court of competent jurisdiction to be invalid, illegal, unconstitutional or otherwise unenforceable, such determination or adjudication shall in no manner affect the remaining rules or portions thereof. The remaining rules or portions thereof shall remain in full force and effect as if such rule or portions thereof so determined, declared or adjudged invalid or unconstitutional were not originally a part of these rules.

Authority O.C.G.A. Sec. 20-1A-1. **History.** Original Rule entitled "Severability" adopted. F. Dec. 23, 1997; eff. Mar. 1, 1998, as specified by the Agency.

### **591-1-1-.41 Notice of Revocation or Emergency Suspension Actions to Parents, Guardians, and Others.**

(1) The Department shall provide notice of its actions to revoke the license or seek an emergency suspension of the center's license to operate to parents, guardians, and others who may have children in the care of the center. This notice, together with the Department's complaint intake phone number and website, shall be provided to parents, guardians, and others through the following methods:

(a) The posting of the official notice of revocation or emergency suspension action and any final resolution at the center by Department staff in an area that is visible to the parents and guardians whose children attend the center;

(b) The posting of the official notice of the revocation or emergency suspension action and any final resolution of the Department's website; and

(c) The distribution of Department staff of a brief notice of the initial filing of actions to revoke or suspend the center's license to the parents or guardians or person authorized to pick up children from care for the parents or guardians, who are at the center at the time that the notice of revocation or emergency suspension is posted by the Department.

(2) In addition, the Department may share any notice of revocation or emergency suspension action and any information pertaining thereto with any other agencies which may have an interest in the welfare of the children in care at the center.

Authority O.C.G.A. Secs. 20-1A-1 et seq., 50-13-4. **History.** Original Rule entitled "Notice of Revocation or Emergency Suspension Actions to Parents, Guardians, and Others" adopted. F. Dec. 13, 2002; eff. Jan. 2, 2003. **Amended:** F. Jan. 12, 2005; eff. Feb. 1, 2005.

### **591-1-1-.42 Posting and Distribution of Notices of Revocation and Emergency Suspension Actions.**

When the Department has posted a notice of the revocation and/or emergency suspension actions in the center, the center shall ensure that the notice at the center continues to be visible to the parents, guardians, and others throughout the pendency of the revocation and emergency suspension actions including any appeals. Where the center provides transportation of the children in care to and from the center and parents, guardians, and others responsible for the care of the children do not come to the center on a regular basis, the center shall send home with the children on the day that it is delivered by Department staff copies of the brief notice of the revocation or emergency suspension action to the parents, guardians, or others who are responsible for the care of the children enrolled in the center.

Authority O.C.G.A. Secs. 20-1A-1 et seq., 50-13-4. **History.** Original Rule entitled "Posting and Distribution of Notices of Revocation and Emergency Suspension Actions" adopted. F. Dec. 13, 2002; eff. Jan. 2, 2003. **Amended:** F. Jan. 12, 2005; eff. Feb. 1, 2005.

### **591-1-1-.43 Posting of Inspection Results.**

The center shall have posted at the center in an area that is readily visible to the parents, guardians, and others any inspection reports that are prepared by the Department during the pendency of any revocation or emergency suspension action.

Authority O.C.G.A. Secs. 20-1A-1 et seq., 50-13-4. **History.** Original Rule entitled "Posting of Inspection Results" adopted. F. Dec. 13, 2002; eff. Jan. 2, 2003. **Amended:** F. Jan. 12, 2005; eff. Feb. 1, 2005.

#### **591-1-1-.44 Removal of Notices and Survey Reports Prohibited.**

It shall be a violation of these rules for the center to permit the removal or obliteration of any notices of revocation, emergency suspension action, resolution, or inspection survey reports posted by the Department on the premises of the center during the pendency of any revocation or emergency suspension action.

Authority O.C.G.A. Secs. 20-1A-1 et seq., 50-13-4. **History.** Original Rule entitled "Removal of Notices and Survey Reports Prohibited" adopted. F. Dec. 13, 2002; eff. Jan. 2, 2003. **Amended:** F. Jan. 12, 2005; eff. Feb. 1, 2005.

### **591-1-1-.45 Infant-Sleeping Safety Requirements.**

In order to reduce the risk of Sudden Infant Death Syndrome (SIDS), staff shall put an infant to sleep on the infant's back unless the center has been provided a physician's written statement authorizing another sleep position for that particular infant. The infant shall be placed for sleeping on a firm, tight-fitting mattress in a sturdy and safe crib. If the crib has side bars, the bars will be no more than two and three-eighths inches (2 3/8") apart. Any crib used for sleeping shall have a tight-fitting bottom crib sheet with no pillows, quilts, comforters, bumper pads, sheepskins, stuffed toys, or other soft items in the crib. If a blanket is required for the comfort of the infant, the infant's feet shall be placed at the foot of the crib and the infant shall be covered with the blanket only to chest level with the blanket tucked firmly under the crib mattress. The infant's sleeping area shall be maintained within a temperature range of sixty-five (65) to eighty-five (85) degrees depending upon the season. When an infant can easily turn over onto his or her stomach, staff shall continue to put the infant to sleep initially on the infant's back but allow the infant to roll over onto his or her stomach as the infant prefers. Positioning devices that restrict an infant's movement in the crib shall not be used unless a physician's written statement authorizing its use is provided for that particular infant.

Authority O.C.G.A. Secs. 20-1A-1 et seq., 50-13-4. **History.** Original Rule entitled "Infant-Sleeping Safety Requirements" adopted. F. Dec. 13, 2002; eff. Jan. 2, 2003.